THE

AMERICAN'S GUIDE:

COMPRISING THE

DECLARATION OF INDEPENDENCE;

THE

ARTICLES OF CONFEDERATION;

THE

CONSTITUTION OF THE UNITED STATES,

AND

THE CONSTITUTIONS OF THE SEVERAL STATES COMPOSING THE UNION.

VIZ.

MAINE,
MASSACHUSETTS,
NEW HAMPSHIRE,
VERMONT,
RHODE ISLAND,
CONNECTICUT,
NEW YORK,
NEW JERSEY,
PENNSYLVANIA,
DELAWARE,
MARYLAND,
VIRGINIA,
NORTH CAROLINA,
SOUTH CAROLINA,
GEORGIA,
KENTUCKY,
TENNESSEE,
OHIO,
INDIANA,
LOUISIANA,
MISSISSIPPI,
ILLINOIS,
ALABAMA,
MISSOURI.

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1832.

DECLARATION OF IND



IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicted government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind —enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions,

do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

NEW HAMPSHIRE.

Josiah Bartlett,
William Whipple,
Matthew Thornton.

MASSACHUSETTS BAY.

Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

RHODE ISLAND, &C

Stephen Hopkins,
William Ellery.

CONNECTICUT.

Roger Sherman,
Samuel Huntingdon,
William Williams,
Oliver Wolcott.

NEW YORK.

William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

NEW JERSEY.

Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

PENNSYLVANIA.

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

DELAWARE.

Cæsar Rodney,
George Read,
Thomas M'Kean.

MARYLAND.

Samuel Chase,
William Paca,
Thomas Stone,
C. Carroll, of Carrolton.

VIRGINIA.

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jr.
Francis Lightfoot Lee,
Carter Braxton.

NORTH CAROLINA.

William Hooper,
Joseph Hewes,
John Penn.

SOUTH CAROLINA.

Edward Rutledge,
Thomas Heyward, jr.
Thomas Lynch, jr.
Arthur Middleton.

GEORGIA.

Burton Gwinnet,
Lyman Hall,
George Walton.

ARTICLES OF CONFEDERATION.

IN CONGRESS, JULY 8, 1778.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION

Between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Article 1. The style of this confederacy shall be, "*The United States of America.*"

Art 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation, expressly delegated to the United States in congress assembled.

Art. 3. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Art. 4. § 1. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any state on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall, upon the demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

§ 3. Full faith and credit shall be given in each of these states, to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

Art. 5. § 1. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

§ 2. No state shall be represented in congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees, or emolument, of any kind.

§ 3. Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of these states.

§ 4. In determining questions in the United States in congress assembled, each state shall have one vote.

§ 5. Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress, and the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

Art. 6. § 1. No state, without the consent of the United States in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state, nor shall any person, holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States, in congress assembled, or any of them grant any title of nobility.

§ 2. No two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No state shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress assembled, for

the defence of such state, or its trade: nor shall any body of forces be kept up, by any state, in time of peace, except such number only as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a regular and well disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

Art. 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

Art. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in congress assembled.

Art. 9. § 1. The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the

sixth article, of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of congress shall be appointed a judge of any of the said courts.

§ 2. The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present, shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit

to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress, for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward." Provided also, that no state shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdiction, as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

§ 4. The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states: provided that the legislative right of any state, within its own limits, be not infringed or violated; establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States: making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "*A Committee of the States,*" and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president

more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled; but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

§ 6. The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter in any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

§ 7. The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as

in their judgment require secrecy; and the yeas and nays of the delegates of each state, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

Art. 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the United States, in congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the congress of the United States assembled, is requisite.

Art. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Art. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

Art. 13. Every state shall abide by the determination of the United States in congress assembled, in all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislature of every state.

And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, in all questions which by the said confederation are submitted to them; and that the articles

thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In witness whereof, we have hereunto set our hands in congress.

Done at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

NEW HAMPSHIRE.
Josiah Bartlett,
John Wentworth, jun.

MASSACHUSETTS BAY.
John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Dana,
James Lovel,
Samuel Holten.

RHODE ISLAND, &c.
William Ellery,
Henry Marchant,
John Collins.

CONNECTICUT.
Roger Sherman,
Samuel Huntington,
Oliver Wolcott,
Titus Hosmer,
Andrew Adams.

NEW YORK.
Jas. Duane,
Fra. Lewis,
Wm. Duer,
Gouv. Morris.

NEW JERSEY.
Jno. Witherspoon,
Nath. Scudder.

PENNSYLVANIA.
Robt. Morris,
Daniel Roberdeau,
Jona. Bayard Smith,
William Clingan,
Joseph Reed.

DELAWARE.
Thos. M'Kean,
John Dickinson,
Nicholas Van Dyke.

MARYLAND.
John Hanson,
Daniel Carroll.

VIRGINIA.
Richard Henry Lee,
John Banister,
Thomas Adams,
Jno Harvie,
Francis Lightfoot Lee.

NORTH CAROLINA.
John Penn,
Cons. Harnett,
Jno. Williams.

SOUTH CAROLINA.
Henry Laurens,
William Henry Drayton,
Jno. Mathews,
Richard Hutson,
Thos Heyward, jun.

GEORGIA
Jno. Walton,
Edwd. Telfair,
Edwd. Langworthy.

CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.—SECTION 1.

1. All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION 2.

1 The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill up such vacancies.

5. The house of representatives shall choose their speaker

and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointment until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The congress shall assemble at least once in every year,

and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session, of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter

the objection at large on their journal, and proceed to re-consider it. If, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and if approved by two-thirds of that house, it shall become a law But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment,) shall be presented to the president of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States

2 To borrow money on the credit of the United States

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes

4 To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

12. To provide and maintain a navy.

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress:

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings —and,

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or ex post facto law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any state No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another. nor shall vessels bound to or from one state, be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of money shall be published from time to time.

7. No title of nobility shall be granted by the United

and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION. 10.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the neat produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION 1.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate, and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall [illegible]esident, if such number be a majority of the whole [illegible] electors appointed; and if there be more than one [illegible] such a majority, and have an equal number of votes,

then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president: neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend, the constitution of the United States."

SECTION 2.

1. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal offic in each of the executive departments, upon any subject to the duties of their respective offices; and he shall

to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions convene both houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The president, vice president, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—SECTION 1.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts, as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; and shall at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United [illegible] and treaties made, or which shall be made, under their [illegible] to all cases affecting ambassadors, other public

ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizen of the same state claiming lands under grants of different states: and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before-mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION 1.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labour in one state under the laws thereof, escaping into another, shall, in consequ any law or regulation therein, be discharged from such

or labour; but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION 3.

1. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

2. The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4.

1. The United States shall guaranty to every state in this union, a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article: and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties which shall be made, under the authority of the ates, shall be the supreme law of the land; and the every state shall be bound thereby, any thing in

the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President and deputy from Virginia.

NEW HAMPSHIRE.
John Langdon,
Nicholas Gilman.

MASSACHUSETTS.
Nathaniel Gorman,
Rufus King.

CONNECTICUT.
William Samuel Johnson,
Roger Sherman.

NEW YORK.
Alexander Hamilton.

NEW JERSEY.
William Livingston,
David Bearly,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Governeur Morris.

DELAWARE.
George Read,
Gunning Bedford, jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.
James M'Henry,
Daniel of St. Tho. Jenifer,
Daniel Carrol.

VIRGINIA.
John Blair,
James Madison, jun.

NORTH CAROLINA.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.
John Rutledge,
Chas. Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.
William Few,
Abraham Baldwin.

Attest, WILLIAM JACKSON,

AMENDMENTS TO THE CONSTITUTION.

ART. 1. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Art. 2. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Art 3. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Art. 4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Art. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Art. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of council for his defence.

Art. 7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Art. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Art. 9. The enumeration in the constitution of certain rights, [illegible] not be construed to deny or disparage others retained [illegible] eople.

Art. 10. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Art. 11. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Art. 12. § 1. The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed: and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

CONSTITUTION OF MAINE.

We, the people of Maine, in order to establish justice, ensure tranquillity, provide for our natural defence, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts, the goodness of the Sovereign Ruler of the Universe, in affording us an opportunity so favourable to the design; and imploring his aid and direction in its accomplishment, do agree to form ourselves into a free and independent state, by the style and title of The State of Maine, and do ordain and establish the following constitution for the government of the same:

ARTICLE 1.

Declaration of Rights.

§ 1. All men are born equally free and independent, and have certain natural, inherent, and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All power is inherent in the people; all free governments are founded in their authority, and instituted for their benefit: they have, therefore, an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;—and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws, and no subordination nor preference, of any one sect or denomination to another, shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust under this state; and all religious societies in this state, whether incorporate, or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with their support and maintenance.

citizen may freely speak, write, and publish his

sentiments on any subject, being responsible for the abuse of this liberty. No laws shall be passed regulating or restraining the freedom of the press; and, in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

5. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause, supported by oath or affirmation.

6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his council, or either, at his election: to demand the nature and cause of the accusation, and have a copy thereof:

To be confronted by the witnesses against him:

To have compulsory process for obtaining witnesses in his favour:

To have a speedy, public, and impartial trial; and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property, or privileges, but by judgment of his peers, or the law of the land.

7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offences as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service, in time of war or public danger. The legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

8. No person, for the same offence, shall be twice put in jeopardy of life or limb.

9. Sanguinary laws shall not be passed: all penalties and punishments shall be proportioned to the offence; excessive bail shall not be required nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

10. All persons, before conviction, shall be bailable except for capital offences, where the proof is evident, or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

11. The legislature shall pass no bill of attainder, *ex post facto* law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

12. Treason against this state shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or confession in open court.

13. The laws shall not be suspended, but by the legislature or its authority.

14. No person shall be subject to corporeal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service, in time of war, or public danger.

15. The people have a right, at all times, in an orderly and peaceable manner, to assemble and consult upon the common good, to give instructions to their representatives, and to request of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

16. Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.

17. No standing army shall be kept up in time of peace, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

18. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

19. Every person for an injury done him in his person, reputation, property, or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

20. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practised: the party claiming the right may be heard by himself and his counsel, or either at his election.

21. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it.

22. No tax or duty shall be imposed without the consent of the people or of their representatives in the legislature.

23. No title of nobility or hereditary distinction, privilege, honour or emolument, shall ever be granted or confirmed; nor shall any office be created, the appointment to which shall be for a longer time than during good behaviour.

24. The enumeration of certain rights shall not impair nor deny others retained by the people.

ARTICLE 2.

Electors.

§ 1. Every male citizen of the United States, of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this state for the term of three months next preceding any election, shall be an elector for governor, senators, and representatives, in the town or plantation where his residence is so established, and the elections shall be by written ballot. But persons in the military, naval, or marine service of the United States, or this state, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any town or plantation: nor shall the residence of a student at any seminary of learning, entitle him to the right of suffrage in the town or plantation where such seminary is established.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

4. The election of governor, senators, and representatives, shall be on the second Monday of September, annually, for ever.

ARTICLE 3.

Distribution of Powers.

§ 1. The powers of this government shall be divided into three distinct departments, the *legislative, executive, and judicial.*

2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE 4.—PART THE FIRST.

Legislative power.—House of Representatives.

§ 1. The legislative power shall be vested in two distinct branches; a house of representatives, and a senate, each to have a negative on the other: and both to be styled, the *Legislature of Maine*: and the style of their acts and laws shall be, "*Be it enacted by the Senate and House of Representatives in Legislature assembled.*"

2. The house of representatives shall consist of not less than one hundred, nor more than two hundred members, to be elected by the qualified electors for one year from the next day preceding the annual meeting of the legislature— which shall first be convened under this constitution shall, on or before the fifteenth day of August, in the year of our Lord one thousand eight hundred and twenty-one, and the legislature within every subsequent period of at most ten years, and at least five, cause the number of the inhabitants of the state to be ascertained, exclusive of foreigners not naturalized, and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard to the relative increase of population. The number of representatives shall, on said first apportionment, be not less than one hundred nor more than one hundred and fifty; and whenever the number of representatives shall be two hundred, at the next annual meetings of elections, which shall thereafter be had, and at every subsequent period of ten years the people shall give in their votes whether the number of representatives shall be increased or diminished; and if a majority of votes are in favour thereof it shall be the duty of the next legislature thereafter to increase or diminish the number by the rule hereinafter prescribed.

3. Each town having fifteen hundred inhabitants, may elect one representative; each town, having three thousand seven hundred and fifty may elect two: each town, having six thousand seven hundred and fifty may elect three; each town, having ten thousand five hundred, may elect four; each town, having fifteen thousand, may elect five; each town, having twenty thousand two hundred and fifty, may elect six; each town, having twenty-six thousand two hundred and fifty inhabitants, may elect seven; but no town shall ever be entitled to more than seven representatives; and towns and plantations, duly organized, not having fifteen hundred inhabitants, shall be classed, as conveniently as may be, into districts, containing that number, and so as not to divide towns; and each such district may elect one representative; and when on this apportionment, the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle; and, in case the fifteen hundred shall be too large or too small to apportion all the representatives to any county, it shall be so increased or diminished as to give the number of representatives according to the above rule and proportion; and whenever any town or towns, plantation or [illegible]tions, not entitled to elect a representative, shall deter[illegible] a classification, with any other town or plantation, [illegible] may, at each apportionment of representatives

on the application of such town or plantation, authorize it to elect a representative for such portion of time, and such periods, as shall be equal to its portion of representation, and the right of representation, so established, shall not be altered until the next general apportionment.

4. No person shall be a member of the house of representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States; have arrived at the age of twenty-one years; have been a resident in this state one year, or from the adoption of this constitution; and, for the three months next preceding the time of his election, shall have been, and during the period for which he is elected, shall continue to be, a resident in the town or district which he represents.

5. The meetings for the choice of representatives shall be warned, in due course of law, by the selectmen of the several towns, seven days, at least, before the election; and the selectmen thereof shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count, and declare them, in open town meeting, and in the presence of the town clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the selectmen, and in open town meeting; and a fair copy of this list shall be attested by the selectmen and town clerk and delivered by said selectmen to each representative, within ten days next after such election. And the towns and plantations, organized by law, belonging to any class herein provided, shall hold their meetings at the same time in the respective towns and plantations; and the town and plantation meetings in such towns and plantations, shall be notified, held, and regulated, the votes received, sorted, counted, and declared, in the same manner. And the assessors and clerks of plantations shall have all the powers, and be subject to all the duties, which selectmen and town clerks have, and are subject to, by this constitution. And the selectmen of such towns, and the assessors of such plantations so classed, shall, within four days next after such meeting, meet at some place, to be prescribed and notified by the selectmen or assessors of the eldest town or plantation in such class, and the copies of said lists shall be then examined and compared; and, in case any person shall be elected by a majority of all the votes, the selectmen or assessors shall deliver the certified copies of such lists to the person so elected, within ten days next after such election; and the clerks of towns and plantations, respectively, shall seal up copies of all such lists, and cause them to be delivered into the secretary's office twenty days at least before the first Wednesday in January, annually; but, in case no [illegible] son shall have a majority of votes, the selectmen and [illegible]

shall, as soon as may be, notify another meeting, and the same proceedings shall be had at every future meeting, until an election shall have been effected, provided, that the legislature may, by law, prescribe a different mode of returning, examining, and ascertaining the election of the representatives in such classes.

6. Whenever the seat of a member shall be vacated, by death, resignation, or otherwise, the vacancy may be filled by a new election.

7. The house of representatives shall choose their speaker, clerk, and other officers.

8. The house of representatives shall have the sole power of impeachment.

ARTICLE 4.—PART SECOND.

Senate.

§ 1. The senate shall consist of not less than twenty, nor more than thirty-one members; elected at the same time, and for the same term, as the representatives, by the qualified electors of the districts into which the state shall, from time to time, be divided.

2. The legislature which shall be first convened under this constitution shall, on or before the fifteenth day of August, in the year of our Lord one thousand eight hundred and twenty-one, and the legislature at every subsequent period of ten years, cause the state to be divided into districts for the choice of senators. The district shall conform, as near as may be, to county lines, and be apportioned according to the number of inhabitants. The number of senators shall not exceed twenty at the first apportionment, and shall, at each apportionment, be increased, until they shall amount to thirty-one, according to the increase in the house of representatives.

3. The meetings for the election of senators shall be notified, held, and regulated, and the votes received, sorted, counted, declared, and recorded, in the same manner as those for representatives. And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks, respectively, shall cause the same to be delivered into the secretary's office, thirty days at least before the first Wednesday of January. All other qualified electors, living in places unincorporated, who shall be assessed to the support of government, by the assessors of an adjacent-town, shall have the privilege of voting for senators, representatives, and governor, in such town, and shall be notified by the selectmen thereof, for the purpose, accordingly.

[illegible] governor and council shall, as soon as may be, examine

returned copies of such lists, and, twenty days before the said first Wednesday of January, issue a summons to such persons as shall appear to be elected by a majority of the votes in each district, to attend that day and take their seats.

5. The senate shall, on the said first Wednesday of January, annually, determine who are elected by a majority of votes to be senators in each district; and, in case the full number of senators to be elected from each district shall not have been so elected, the members of the house of representatives, and such senators as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient, in every district if there be so many voted for, elect, by joint ballot, the number of senators required; and in this manner all vacancies in the senate shall be supplied, as soon as may be, after such vacancies happen.

6. The senators shall be twenty-five years of age at the commencement of the term for which they are elected, and in all other respects their qualifications shall be the same as those of the representatives.

7. The senate shall have the sole power to try all impeachments; and, when sitting for that purpose, shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honour, trust, or profit under this state; but the party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

8. The senate shall choose their president, secretary, and other officers.

ARTICLE 4.—PART THIRD.

Legislative Power.

§ 1. The legislature shall convene on the first Wednesday of January, annually, and shall have full power to make and establish all reasonable laws and regulations for the defence and benefit of the people of this state, not repugnant to this constitution, nor to that of the United States.

2. Every bill or resolution, having the force of law, to which the concurrence of both houses may be necessary, except on a question of adjournment, which shall have passed both houses, shall be presented to the governor, and if he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on its journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent, together with the obje[illegible] to the other house, by which it shall be reconsidered[illegible]

approved by two-thirds of that house, it shall have the same effect as if it had been signed by the governor; but, in all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or resolution, shall be entered on the journals of both houses, respectively. If the bill or resolution shall not be returned by the governor, within five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect as if he had signed it; unless the legislature, by their adjournment, prevent its return, in which case it shall have such force and effect, unless returned within three days after their next meeting.

3. Each house shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house shall provide.

4. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

5. Each house shall keep a journal, and, from time to time, publish its proceedings, except such parts as, in their judgment may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journals.

6. Each house, during its session, may punish, by imprisonment, any person, not a member, for disrespectful or disorderly behaviour in its presence; for obstructing any of its proceedings; threatening, assaulting, or abusing any of its members for any thing said, done, or doing, in either house: Provided, that no imprisonment shall extend beyond the period of the same session.

7. The senators and representatives shall receive such compensation as shall be established by law; but no law increasing their compensation shall take effect during the existence of the legislature which enacted it. The expenses of the members of the house of representatives in travelling to the legislature and returning therefrom, once in each session, and no more, shall be paid by the state, out of the public treasury, to every member who shall seasonably attend, in the judgment of the house, and does not depart therefrom without leave.

8. The senators and representatives, shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from, each session of the legislature, and no member shall be liable to answer for any thing spoken in debate in either house in any [illegible] place elsewhere.

9. Bills, orders, or resolutions, may originate in either house, and may be altered, amended, or rejected, in the other; but all bills for raising a revenue shall originate in the house of representatives, but the senate may propose amendments as in other cases: provided, that they shall not, under colour of amendment, introduce any new matter, which does not relate to raising a revenue.

10. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people: provided, that this prohibition shall not extend to the members of the first legislature.

11. No member of congress, nor person holding any office under the United States, (post officers excepted,) nor office of profit under this state, justices of the peace, notaries public, coroners, and officers of the militia, excepted, shall have a seat in either house during his being such member of congress, or his continuing in such office.

12. Neither house shall, during the session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the houses shall be sitting.

ARTICLE 5.—PART FIRST.

Executive Power.

§ 1. The supreme executive power of this state shall be vested in a governor.

2. The governor shall be elected by the qualified electors, and shall hold his office one year, from the first Wednesday of January in each year.

3. The meetings for election of governor shall be notified, held, and regulated, and votes shall be received, sorted, counted, declared, and recorded, in the same manner as those for senators and representatives. They shall be sealed and returned into the secretary's office in the same manner, and at the same time, as those for senators. And the secretary of state, for the time being shall, on the first Wednesday of January then next, lay the lists before the senate and house of representatives, to be by them examined; and, in case of a choice by a majority of all the votes returned, they shall declare and publish the same. But, if no person shall have a majority of votes, the house of representatives shall, by ballot, from the persons having the four highest numbers of votes on the list, if so many there be, elect two persons, and make return of their names to the senate, of whom the senate shall, by ballot, elect one, who shall be declared the governor.

4. The governor shall, at the commencement of his

not less than thirty years of age; a natural born citizen of the United States; have been five years, or from the adoption of this constitution, a resident of the state; and, at the time of his election, and during the term for which he is elected, be a resident of said state.

5. No person holding any office or place under the United States, this state, or any other power, shall exercise the office of governor.

6. The governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office.

7. He shall be commander-in-chief of the army and navy of the state, and of the militia, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the state without their consent, or that of the legislature, unless it shall become necessary, in order to march or transport them from one part of the state to another, for the defence thereof.

8. He shall nominate, and, with the advice and consent of the council, appoint, all judicial officers, the attorney general, the sheriffs, coroners, registers of probate, and notaries public; and he shall also nominate, and with the advice and consent of the council, appoint, all other civil and military officers whose appointment is not, by this constitution, or shall not, by law, be otherwise provided for; and every such nomination shall be made seven days at least prior to such appointment.

9. He shall, from time to time, give the legislature information of the condition of the state, and recommend to their consideration such measures as he may judge expedient.

10. He may require information from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

11. He shall have power, with the advice and consent of the council, to remit, after conviction, all forfeitures and penalties, and grant reprieves and pardons, except in cases of impeachment.

12. He shall take care that the laws be faithfully executed.

13. He may, on extraordinary occasions, convene the legislature; and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting; and if, since their last adjournment, the place where the legislature were next to convene shall have become dangerous from an enemy, or contagious sickness, may direct the session to be held at some other convenient place within the state.

14. Whenever the office of governor shall become vacant [illegible] h, resignation, removal from office, or otherwise, the [illegible] of the senate shall exercise the office of governor

until another governor shall be duly qualified; and, in case of the death, resignation, removal from office, or other disqualification, of the president of the senate, so exercising the office of governor, the speaker of the house of representatives shall exercise the office, until a president of the senate shall have been chosen; and when the office of governor, president of the senate, and speaker of the house, shall become vacant, in the recess of the senate, the person acting as secretary of state for the time being shall, by proclamation, convene the senate, that a president may be chosen to exercise the office of governor. And whenever either the president of the senate or speaker of the house, shall so exercise said office, he shall receive only the compensation of governor, but his duties as president or speaker shall be suspended; and the senate or house shall fill the vacancy, until his duties as governor shall cease.

ARTICLE 5.—PART SECOND.

Council.

§ 1. There shall be a council, to consist of seven persons, citizens of the United States, and resident of this state, to advise the governor in the executive part of government, whom the governor shall have full power, at his discretion, to assemble; and he, with the counsellors, or a majority of them, may, from time to time, hold and keep a council, for ordering and directing the affairs of state according to law.

2. The counsellors shall be chosen annually, on the first Wednesday of January, by joint ballot of the senators and representatives in convention; and vacancies, which shall afterwards happen, shall be filled in the same manner; but not more than one counsellor shall be elected from any district prescribed for the election of senators; and they shall be privileged from arrest in the same manner as senators and representatives.

3. The resolutions and advice of council shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either house of the legislature; and any counsellor may enter his dissent to the resolution of the majority.

4. No member of congress, or of the legislature of this state, nor any person holding any office under the United States, (post officers excepted,) nor any civil officers under this state, (justices of the peace and notaries public excepted,) shall be counsellors. And no counsellor shall be appointed to any office during the time for which he shall have been elected.

ARTICLE 5.—PART THIRD.

Secretary.

§ 1. The secretary of state shall be chosen annu

first session of the legislature, by joint ballot of the senators and representatives in convention.

2. The records of the state shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable.

3. He shall attend the governor and council, senate and house of representatives, in person, or by his deputies, as they shall respectively require.

4. He shall carefully keep and preserve the records of all the official acts and proceedings of the governor and council, senate and house of representatives, and, when required, lay the same before either branch of the legislature, and perform such other duties as are enjoined by this constitution, or shall be required by law.

ARTICLE 5.—PART FOURTH.

Treasurer.

§ 1. The treasurer shall be chosen annually, at the first session of the legislature, by joint ballot of the senators and representatives in convention, but shall not be eligible more than five years successively.

2. The treasurer shall, before entering on the duties of his office, give bond to the state, with sureties, to the satisfaction of the legislature, for the faithful discharge of his trust.

3. The treasurer shall not, during his continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

4. No money shall be drawn from the treasury, but by warrant from the governor and council, and in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published at the commencement of the annual session of the legislature.

ARTICLE 6.

Judicial Power.

§ 1. The judicial power of this state shall be vested in a supreme judicial court, and such other courts as the legislature shall, from time to time, establish.

2. The justices of the supreme judicial court shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.

3. They shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required [illegible] overnor, council, senate, or house of representatives.

[illegible] judicial officers, except justices of the peace, shall

hold their offices during good behaviour, but not beyond the age of seventy years.

5. Justices of the peace and notaries public shall hold their offices during seven years, if they so long behave themselves well, at the expiration of which term, they may be re-appointed, or others appointed, as the public interest may require.

6. The justices of the supreme judicial court shall hold no office under the United States, nor any state, nor any other office under this state, except that of justice of the peace.

ARTICLE 7.

Military.

§ 1. The captains and subalterns of the militia shall be elected by the written votes of the members of their respective companies. The field officers of regiments by the written votes of the captains and subalterns of their respective regiments. The brigadier generals, in like manner, by the field officers of their respective brigades.

2. The legislature shall, by law, direct the manner of notifying the electors, conducting the elections, and making the returns to the governor of the officers elected; and if the electors shall neglect or refuse to make such elections, after being duly notified according to law, the governor shall appoint suitable persons to fill such offices.

3. The major generals shall be elected by the senate and house of representatives, each having a negative on the other. The adjutant general and quartermaster general shall be appointed by the governor and council; but the adjutant general shall perform the duties of quartermaster general, until otherwise directed by law. The major generals and brigadier generals, and the commanding officers of regiments and battalions, shall appoint their respective staff officers; and all military officers shall be commissioned by the governor.

4. The militia, as divided into divisions, brigades, regiments, battalions, and companies, pursuant to the laws now in force, shall remain so organized, until the same shall be altered by the legislature.

5. Persons of the denominations of quakers and shakers, justices of the supreme judicial court, and ministers of the gospel, may be exempted from military duty; but no other person, of the age of eighteen and under the age of forty-five years excepting officers of the militia who have been honourably discharged, shall be so exempted, unless he shall pay an equivalent, to be fixed by law.

ARTICLE 8.

Literature.

A general diffusion of the advantages of educati essential to the preservation of the rights and liberti

people; to promote this important object, the legislature are authorized, and it shall be their duty, to require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges, and seminaries of learning, within the state: provided, that no donation, grant, or endowment, shall at any time be made by the legislature, to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the legislature of the state shall have the right to grant any further powers to alter, limit, or restrain, any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

ARTICLE 9.

General Provisions.

§ 1. Every person elected or appointed to either of the places or offices provided in this constitution, and every person elected, appointed, or commissioned, to any judicial, executive, military, or other office under this state, shall, before he enter on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation: "I, ———, do swear, that I will support the constitution of the United States and of this state, so long as I shall continue a citizen thereof. So help me God."

"I, ———, do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as ———, according to the constitution and the laws of the state: so help me God:" provided, that an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

The oaths or affirmations shall be taken and subscribed by the governor and counsellors before the presiding officer of the senate, in the presence of both houses of the legislature, and by the senators and representatives before the governor and council, and by the residue of said officers before such person as shall be prescribed by the legislature; and, whenever the governor or any counsellor shall not be able to attend, during the session of the legislature, to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed, in the recess of the legislature, before any justice of the supreme judicial court: provided, that the senators and representatives first elected under this constitution shall take and subscribe such oaths or affirmations, before the presi-
of the convention.

person holding the office of justice of the supreme

judicial court, or of any inferior court, attorney general, county attorney, treasurer of the state, adjutant general, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the legislature; and any person holding either of the foregoing offices, elected to and accepting a seat in the congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising, at the same time, within this state, more than one of the offices before-mentioned.

3. All commissions shall be in the name of the state, signed by the governor, attested by the secretary or his deputy, and have the seal of the state thereto affixed.

4. And in case the elections required by this constitution on the first Wednesday of January, annually, by the two houses of the legislature, shall not be completed on that day, the same may be adjourned from day to day until completed, in the following order: the vacancies in the senate shall first be filled; the governor shall then be elected, if there be no choice by the people; and, afterwards, the two houses shall elect the council.

5. Every person holding any civil office under this state may be removed, by impeachment, for misdemeanor in office; and every person holding any office may be removed by the governor, with the advice of the council, on the address of both branches of the legislature. But, before such address shall pass either house, the causes of removal shall be stated and entered on the journal of the house in which it originated, and a copy thereof served on the person in office, that he may be admitted to a hearing in his defence.

6. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the governor and council.

7. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

8. All taxes upon real estate, assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof.

ARTICLE 10.

Schedule.

§ 1. The first legislature shall meet on the last Wednesday in May next. The elections on the second Monday in September, annually, shall not commence until the year one thousand eight hundred and twenty-one, and, in the mean time the election for governor, senators, and representatives, shall be on the first Monday in April, in the year of our Lord one thou eight hundred and twenty; and at this election the

ceedings shall be had as are required at the elections provided for in this constitution, on the second Monday in September, annually, and the lists of the votes for the governor and senators shall be transmitted, by the town and plantation clerks, respectively, to the secretary of state, *pro tempore*, seventeen days at least before the last Wednesday in May next; and the president of the convention shall, in presence of the secretary of state, *pro tempore*, open and examine the attested copies of said lists, so returned for senators, and shall have all the powers, and be subject to all the duties in ascertaining, notifying, and summoning, the senators who appear to be elected, as the governor and council have, and are subject to, by this constitution: provided, he shall notify said senators fourteen days at least before the last Wednesday in May, and vacancies shall be ascertained and filled in the manner herein provided; and the senators to be elected on the said first Monday of April shall be apportioned as follows:

The county of York shall elect three; the county of Cumberland shall elect three; the county of Lincoln shall elect three; the county of Hancock shall elect two; the county of Washington shall elect one; the county of Kennebec shall elect three: the county of Oxford shall elect two; the county of Somerset shall elect two; the county of Penobscot shall elect one.

And the members of the house of representatives shall be elected, ascertained, and returned, in the same manner as herein provided at elections on the second Monday of September: and the first house of representatives shall consist of the following number, to be elected as follows:

County of York.—The towns of York and Wells may each elect two representatives; and each of the remaining towns may elect one.

County of Cumberland.—The town of Portland may elect three representatives; North Yarmouth, two; Brunswick, two; Gorham, two; Freeport and Pownal, two; Raymond and Otisfield, one; Bridgton, Baldwin, and Harrison, one; Poland and Danville, one; and each remaining town, one.

County of Lincoln.—The towns of Georgetown and Phipsburg may elect one representative; Lewiston and Wales, one; St. George, Cushing, and Friendship, one; Hope and Appleton Ridge, one; Jefferson, Putnam, and Patricktown Plantation, one; Alna and Whitefield, one; Montville, Palermo, and Montville Plantation, one; Woolwich and Dresden, one; and each remaining town, one.

County of Hancock.—The town of Bucksport may elect one representative; Deer Island, one; Castine and Brooksville, one; Orland and Penobscot, one; Mount Desert and Eden, one; ..lhaven and Isleborough, one: Sedgwick and Bluehill, one; ...orough, Sullivan, and plantations, No 8 and 9, north

of Sullivan, one; Surry, Ellsworth, Trenton, and plantation of Mariaville, one; Lincolnville, Searsmont, and Belmont one; Belfast and Northport, one; Prospect and Swanville, one; Frankfort and Monroe, one; Knox, Brooks, Jackson, and Thorndike, one.

County of Washington.—The towns of Steuben, Cherryfield, and Harrington, may elect one representative; Addison, Columbia, and Jonesborough, one; Machias, one; Lubec, Dennysville, plantations No. 9, No. 10, No. 11, No. 12. one; Eastport, one; Perry, Robinson, Calais, plantations No. 3, No. 6, No. 7, No. 15, and No. 16, one.

County of Kennebec.—The towns of Belgrade and Dearborn may elect one representative; Chesterville, Vienna, and Rome, one; Wayne and Fayette, one; Temple and Wilton one; Winslow and China, one; Fairfax and Freedom, one; Unity, Joy, and Twenty-five mile Pond plantation, one; Harlem and Malta, one; and each remaining town, one.

County of Oxford—The towns of Dixfield, Mexico, Weld, and plantations Nos. 1 and 4, may elect one representative; Jay and Hartford, one; Livermore, one; Rumford, East Andover, and plantations Nos. 7 and 8, one; Turner, one; Woodstock, Paris, and Greenwood, one; Hebron and Norway, one; Gilead, Bethel, Newry, Albany, and Howard's Gore, one; Porter, Hiram, and Brownfield, one; Waterford, Sweden, and Lovell, one; Denmark, Fryeburg, and Fryeburg Addition, one; Buckfield and Sumner, one.

County of Somerset.—The town of Fairfield may elect one representative; Norridgwock and Bloomfield, one; Starks and Mercer, one; Industry, Strong, and New Vineyard, one; Avon, Phillips, Freeman, and Kingfield, one; Anson, New Portland, Embden, and plantation No. 1, one; Canaan, Warsaw, Palmyra, St. Albans, and Corinna, one; Madison, Solon, Bingham, Moscow, and Northhill, one; Cornville, Athens, Harmony, Ripley, and Warrenstown, one.

County of Penobscot.—The towns of Hampden and Newburg may elect one representative; Orrington, Brewer, and Eddington, and plantations adjacent, on the east side of Penobscot river, one; Bangor, Orono, and Sunkhaze plantation, one; Dixmont, Newport, Carmel, Hermon, Stetson, and plantation No. 4. in the 6th range, one; Levant, Corinth, Exeter, New Charlestown, Blakesburgh, plantation No. 1, in 3d range, and plantation No. 1, in 4th range, one; Dexter, Garland, Guilford, Sangerville, and plantation No. 3, in sixth range, one; Atkinson, Sebec, Foxcroft, Brownville, Williamsburgh, plantation No. 1, in 7th range, and plantation No. 3, in 7th range, one.

And the secretary of state, *pro tempore*, shall have the same powers and be subject to the same duties, in relation to th votes for governor, as the secretary of state has, and is sub to, by this constitution: and the election of governor

the said last Wednesday in May, be determined and declared in the same manner as other elections of governor are by this constitution; and, in case of vacancy in said office, the president of the senate, and speaker of the house of representatives, shall exercise the office as herein otherwise provided, and the counsellors, secretary, and treasurer, shall also be elected on the said day, and have the same powers, and be subject to the same duties, as is provided in this constitution; and in case of the death or other disqualification of the president of this convention, or of the secretary of state *pro tempore*, before the election and qualification of the governor, or secretary of state, under this constitution, the persons to be designated by this convention, at their session in January next, shall have all the powers, and perform all the duties, which the president of this convention, or the secretary *pro tempore*, to be by them appointed, shall have and perform.

2. The period for which the governor, senators, and representatives, counsellors, secretary, and treasurer, first elected, or appointed, are to serve in their respective offices and places, shall commence on the last Wednesday in May, in the year of our Lord one thousand eight hundred and twenty, and continue until the first Wednesday of January, in the year of our Lord one thousand eight hundred and twenty-two.

3. All laws now in force in this state, and not repugnant to this constitution, shall remain and be in force, until altered or repealed by the legislature, or shall expire by their own limitation.

4. The legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this constitution; and when any amendment shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at their next annual meetings in the month of September, to give in their votes on the question whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favour of such amendment, it shall become a part of this constitution.

5. All officers provided for in the sixth section of an act of the commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled, "An act relating to the separation of the district of Maine from Massachusetts proper, and forming the same into a separate and independent state," shall continue in office, as therein provided; and the following provisions of said act shall be a part of this constitution: subject, however, [illegible] modified, or annulled, as therein is prescribed, and not [illegible]wise, to wit:

"Sect. 1. Whereas it has been represented to this legislature, that a majority of the people of the district of Maine are desirous of establishing a separate and independent government within said district: Therefore,

"*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That, the consent of this commonwealth be, and the same is hereby, given, that the district of Maine may be formed and erected into a separate and independent state, if the people of the said district shall, in the manner, and by the majority hereinafter mentioned, express their consent and agreement thereto, upon the following terms and conditions: And, provided the congress of the United States shall give its consent thereto before the fourth day of March next: which terms and conditions are as follows, viz.

"*First.* All the lands and buildings belonging to the commonwealth, within Massachusetts proper, shall continue to belong to said commonwealth; and all the lands belonging to the commonwealth within the district of Maine shall belong, the one half thereof to the said commonwealth, and the other half thereof to the state to be formed within the said district, to be divided as is hereinafter mentioned; and the lands within the said district, which shall belong to the said commonwealth, shall be free from taxation, while the title of the said lands remains in the commonwealth; and the rights of the commonwealth to their lands, within said district, and the remedies for the recovery thereof, shall continue the same, within the proposed state, and in the courts thereof, as they now are within the said commonwealth, and in the courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its lands, the said commonwealth shall be entitled to all other proper and legal remedies, and may appear in the courts of the proposed state, and in the courts of the United States holden therein; and all rights of action for or entry into lands, and of action upon bonds, for the breach of the performance of the condition of settling duties, so called, which have accrued, or may accrue, shall remain in this commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such manner as this commonwealth may hereafter determine: provided, however, that whatever this commonwealth may hereafter receive or obtain on account thereof, if any thing, shall, after deducting all reasonable charges relating thereto, be divided, one-third part thereof to the new state, and two-third parts thereof to this commonwealth.

"*Second.* All the arms which have been received by this commonwealth from the United States, under the law of congress, entitled, "An act making provision for arming and equipping the whole body of militia of the United States," passed April the twenty-third, one thousand eight

and eight, shall, as soon as the said district shall become a separate state, be divided between the two states, in proportion to the returns of the militia, according to which the said arms have been received from the United States as aforesaid.

"*Third.* All money, stock, or other proceeds, hereafter derived from the United States, on account of the claim of this commonwealth, for disbursements made, and expenses incurred, for the defence of the state during the late war with Great Britain, shall be received by this commonwealth; and, when received, shall be divided between the two states, in the proportion of two-thirds to this commonwealth, and one-third to the new states.

"*Fourth.* All other property, of every description, belonging to the commonwealth, shall be holden and receivable by the same, as a fund and security for all debts, annuities, and Indian subsidies, or claims, due by said commonwealth; and within two years after the said district shall have become a separate state, the commissioners to be appointed, as hereinafter provided, if the said states cannot otherwise agree, shall assign a just portion of the productive property so held by said commonwealth, as an equivalent and indemnification to said commonwealth for all such debts, annuities, or Indian subsidies, or claims, which may then remain due, or unsatisfied; and all the surplus of the said property, so holden, as aforesaid, shall be divided between the said commonwealth and the said district of Maine, in the proportion of two-thirds to the said commonwealth and one-third to the said district; and if, in the judgment of the said commissioners, the whole of said property, so held, as a fund and security, shall not be sufficient indemnification for the purpose, the said district shall be liable for, and shall pay to said commonwealth, one-third of the deficiency.

"*Fifth.* The new state shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this commonwealth, towards the Indians within said district of Maine, whether the same arise from treaties, or otherwise; and, for this purpose shall obtain the assent of said Indians, and their release to this commonwealth of claims and stipulations arising under the treaty at present existing between the said commonwealth and said Indians; and, as indemnification to such new state therefor, this commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new state the value of thirty thousand dollars, in manner following, viz.: The said commissioners shall set off, by metes and bounds, so much of any part of the land, within the said district, falling to this commonwealth, in the division of the ublic lands hereinafter provided for, as, in their estimation, be of the value of thirty thousand dollars; and this com-'ealth shall, thereupon, assign the same to the said new

state, or, in lieu thereof, may pay the sum of thirty thousand dollars, at its election; which election of the said commonwealth shall be made within one year from the time that notice of the doings of the commissioners, on this subject, shall be made known to the governor and council, and if not made within that time the election shall be with the new state.

"*Sixth.* Commissioners, with the powers, and for the purposes mentioned in this act, shall be appointed in manner following: The executive authority of each state shall appoint two; and the four so appointed, or the major part of them, shall appoint two more; but, if they cannot agree in the appointment, the executive of each state shall appoint one in addition; not, however, in that case, to be a citizen of its own state. And any vacancy happening with respect to the commissioners, shall be supplied in the manner provided for their original appointment; and, in addition to the powers hereinbefore given to said commissioners, they shall have full power and authority to divide all the public lands within the district, between the respective states, in equal shares, or moieties, in severalty, having regard to quantity, situation, and quality; they shall determine what lands shall be surveyed and divided, from time to time, the expenses of which surveys and of the commissioners, shall be borne equally by the two states. They shall keep fair records of their doings, and of the surveys made by their direction, copies of which records authenticated by them, shall be deposited, from time to time, in the archives of the respective states; transcripts of which, properly certified, may be admitted in evidence, in all questions touching the subject to which they relate. The executive authority of each state may revoke the power of either or both its commissioners; having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own commissioners; four of said commissioners shall constitute a quorum for the transaction of business; their decision shall be final upon all subjects within their cognizance. In case said commission shall expire, the same not having been completed, and either state shall request the renewal or filling up of the same, it shall be renewed or filled up in the same manner as is herein provided for filling the same in the first instance, and with the like powers; and if either state shall, after six months' notice, neglect or refuse to appoint its commissioners, the other may fill up the whole commission.

"*Seventh.* All grants of lands, franchises, immunities, corporate or other rights, and all contracts for, or grants of lands not yet located, which have been, or may be, made by the said commonwealth, before the separation of said district shall take place, and having or to have effect within the said district, shall continue in full force, after the said district become a separate state. But the grant which has

to the president and trustees of Bowdoin college, out of the tax laid upon the banks within this commonwealth, shall be charged upon the tax upon the banks within the said district of Maine, and paid according to the terms of said grant; and the president and trustees, and the overseers of said college, shall have, hold, and enjoy, their powers and privileges in all respects: so that the same shall not be subject to be altered, limited, annulled, or restrained, except by judicial process, according to the principles of law; and, in all grants hereafter to be made, by either state, of unlocated land within the said district, the same reservations shall be made for the benefit of schools, and of the ministry, as have heretofore been usual in grants made by this commonwealth. And all lands heretofore granted by this commonwealth to any religious, literary, or eleemosynary corporation, or society, shall be free from taxation, while the same continues to be owned by such corporation or society.

"*Eighth.* No laws shall be passed in the proposed state, with regard to taxes, actions, or remedies at law, or bars, or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of, said proposed state, and the lands and rights of property of the citizens of the proposed state, resident therein: and the rights and liabilities of all persons shall, after the said separation, continue the same as if the said district was still a part of this commonwealth, in all suits pending, or judgments remaining unsatisfied, on the fifteenth day of March next, where the suits have been commenced in Massachusetts proper, and process has been served within the district of Maine; or commenced in the district of Maine, and process has been served in Massachusetts proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits, the courts within Massachusetts Proper, and within the proposed state, shall continue to have the same jurisdiction as if the said district had still remained a part of the commonwealth. And this commonwealth shall have the same remedies within the proposed state as it now has, for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with, the commonwealth, on or before the said fifteenth day of March, within the said district of Maine; and all officers within Massachusetts Proper and the district of Maine shall conduct themselves accordingly.

"*Ninth.* These terms and conditions, as here set forth, when the said district shall become a separate and independent state, shall, *ipso facto*, be incorporated into, and become, and be a part of, any constitution, provisional or other, under which the government of the said proposed state shall, at any time be administered; subject, however, to be modified,

or annulled by the agreement of the legislature of both the said states; but by no other power or body whatsoever."

§ 6. This constitution shall be enrolled on parchment, deposited in the secretary's office, and be the supreme law of the state; and printed copies thereof shall be prefixed to the books containing the laws of this state.

Done in convention, October 29, 1819.

WILLIAM KING,
President of the Convention.

Attest, ROBERT C. VOSE, *Secretary.*



CONSTITUTION OF MASSACHUSETTS.

A Constitution, or frame of government, agreed upon by the delegates of the people of Massachusett's Bay, in convention, begun and held at Cambridge, on the first of September, 1779, *and continued, by adjournment, to the second of March,* 1780.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of his Providence, an opportunity, deliberately and peaceably, without violence, or surprise, of entering into an original, explic solemn compact with each other; and of forming a ne

stitution of civil government, for ourselves and posterity; and devoutly imploring his direction in so interesting a design, do agree upon, ordain, and establish, the following declaration of rights and frame of government, as the constitution of the commonwealth of Massachusetts.

PART I.

A Declaration of Rights of the Inhabitants of the Commonwealth of Massachusetts.

Article 1. All men are born free and equal, and have certain natural, essential, and unalienable rights: among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

2. It is the right, as well as the duty, of all men in society, publicly, and at stated seasons, to worship the Supreme Being, the Great Creator and Preserver of the Universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and seasons most agreeable to the dictates of his own conscience: or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

3. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused throughout the community, but by the institution of a public worship of God, and of public institutions in piety, religion, and morality; therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public protestant teachers of piety, religion, and morality, in all cases, where such provision shall not be made voluntarily.

All the people of the commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers, as aforesaid, at stated times and seasons, if there [illegible] one whose instructions they can conscientiously and [illegible]niently attend:—

[illegible] notwithstanding, that the several towns, parishes;

precincts, and the other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

All moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any, on whose instruction he attends, otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any sect or denomination to another shall ever be established by law.

4. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state: and do, and for ever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.

5. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

6. No man, or corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public. And this title being, in nature, neither hereditary nor transmissible to children or descendants, or relations of blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

7. Government is instituted for the common good: for the protection, safety, prosperity and happiness of the people: and not for the profit, honour, or private interest of any one man, family, or any one class of men. Therefore, the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness, require it.

8. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by the frame of government, to cause their public officers to return to private life, and to fill up vacant places by certain and elections and appointments.

9. All elections ought to be free: and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected for public employments.

10. Each individual of the society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to the standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary. But no part of the property of any individual can, with justice, be taken from him, or applied to the public use, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

11. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive, in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly, and without delay—conformably to the laws.

12. No person shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself. And every person shall have a right to produce all proofs that may be favourable to him; to meet the witnesses against him, face to face, and be fully heard in his defence, by himself, or his council, at his election. And no person shall be arrested, imprisoned, or despoiled or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment (excepting for the government of the army and navy) without trial by jury.

13. In criminal prosecutions the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

14. Every person has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are [illegible] to this right, if the cause or foundation of them be [illegible]viously supported by oath or affirmation; and if the [illegible] warrant to a civil officer, to make search in all

suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure. And no warrant ought to be issued but in such cases, and with the formalities prescribed by the laws.

15. In all controversies concerning property, and in all suits between two or more persons, (except in cases in which it has heretofore been otherwise used and practised,) the parties have a right to a trial by jury; and this method of procedure shall be held sacred,—unless, in cases arising on the high seas, and such as relate to mariner's wages, the legislature shall hereafter find it necessary to alter it.

16. The liberty of the press is essential to security of freedom in a state; it ought not, therefore, to be restrained in this commonwealth.

17. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained, without the consent of the legislature: and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

18. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives, and they have a right to require of their lawgivers, and magistrates, an exact and constant observance of them, in the formation and execution of all laws necessary for the good administration of the commonwealth.

19. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

20. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature; or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

21. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

22. The legislature ought frequently to assemble

redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

23. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatever, without the consent of the people, or their representatives in the legislature.

24. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

25. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

26. No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

27. In time of peace, no soldier ought to be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made, but by the civil magistrate, in manner ordained by the legislature.

28. No person can, in any case, be subjected to law martial, or to any penalties or pains by virtue of that law, (except those employed in the army or navy, and except the militia in actual service,) but by the authority of the legislature.

29. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent, as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honourable salaries, ascertained and established by standing laws.

30. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them. the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end that it may be a government of laws, and not of men.

PART II.

Frame of Government.

The people inhabiting the territory formerly called the ince of Massachusetts Bay, do hereby solemnly and mu- agree with each other to form themselves into a free,

sovereign, and independent body politic, or state, by the name of—*The Commonwealth of Massachusetts.*

CHAP. 1.—SECTION 1.

THE LEGISLATIVE POWER.

The General Court.

Article 1. The department of legislation shall be formed by two branches, a senate and house of representatives: each of which shall have a negative on the other.

The legislative body shall assemble every year, on the last Wednesday of May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and shall be styled, *The General Court of Massachusetts.*

2. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal: and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But, if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, it shall have the force of a law; but in all such cases the votes of both houses shall be determined by yeas and nays: and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the commonwealth.

And, in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

3. The general court shall for ever have full power and authority to erect and constitute judicatories, and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting or residing, or brought within the same;

the same be criminal or civil; or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon; to which courts and judicatories, are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

4. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions, and instructions, either with penalties or without, (so as the same be not repugnant or contrary to this constitution,) as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the citizens of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling all civil officers, within the said commonwealth, the election and constitution of whom are not hereafter, in this form of government, otherwise provided for: and to set forth the several duties, powers, and limits of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and persons resident, and estates lying within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandizes, and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the citizens thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has hitherto been practised; in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth taken anew once in every ten years, at the least, and as much oftener as the general court shall order.

CHAP. 1.—SECTION 2.

Senate.

Article 1. There shall be annually elected by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be counsellors and senators for the year ensuing their election: to be chosen by the inhabitants of the districts into which the commonwealth may from time to time be divided by the general court for that purpose. And the general court, in assigning the numbers to be elected by the representative districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth, the limits of each district, and the numbers of counsellors and senators to be chosen therein: provided that the number of such districts shall be never less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for choice of counsellors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for counsellors and senators, viz.

Suffolk	six	York	two
Essex	six	Dukes county and Nantucket	one
Middlesex	five		
Hampshire	four	Worcester	five
Plymouth	three	Cumberland	one
Barnstable	one	Lincoln	one
Bristol	three	Berkshire	two

2. The senate shall be the first branch of the legislature: and the senators shall be chosen in the following manner, viz. There shall be a meeting on the first Monday in April, annually for ever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and counsellors. And at such meetings every male inhabitant, of twenty-one years of age and upwards, having a freehold estate within the commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the word "inhabitant" in this constitution, eve[illegible] person shall be considered as an inhabitant (for the pu[illegible] electing and being elected into any office or place [illegible]

state) in that town, district, or plantation, where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators; and shall sort and count them in open town meeting, and, in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purports of the contents thereof, and delivered by the town clerk of such town to the sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May, annually: or it shall be delivered into the secretary's office, seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates by him received into the secretary's office, seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated, (qualified as this constitution provides,) who are or shall be empowered and required to assess taxes upon themselves, toward the support of government, shall have the same privilege of voting for counsellors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually on the same first Monday in April, at such place in the plantations respectively as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution; and all other persons, living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for counsellors and senators in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town, where they shall be assessed, for that purpose, accordingly.

3. And that there may be a due convention of senators on the last Wednesday in May annually, the governor and five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and, fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by the majority of votes to [att]end on that day and take their seats accordingly: provided, [neverth]eless, that, for the first year, the said returned copies [shall be] examined by the president and five of the council of

the former constitution of government: and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

4. The senate shall be the final judge of the elections, returns, and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare who are elected by each district, to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect, by ballot, a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled in every district of the commonwealth: and, in like manner, all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen:—

5. Provided, nevertheless, that no person shall be capable of being elected a senator, who is not seized in his own right of a freehold within this commonwealth of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum; and who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election; and at the time of his election he shall be an inhabitant in the district for which he shall be chosen.

6. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

7. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

8. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct, and maleadministration in their offices. But, previous to the trial of every impeachment, the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honour, trust, or profit, under this commonwealth: but the party so convicted shall be, neverthele

liable to indictment, trial, judgment, and punishment, according to the laws of the land.

9. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAP. 1.—SECTION 3.

House of Representatives.

Article 1. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

2. And in order to provide for a representation of the citizens of this commonwealth, founded on the principles of equality, every corporate town containing one hundred and fifty ratable polls, may elect one representative: every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives: every corporate town containing six hundred ratable polls, may elect three representatives: and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative:

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative. But no place shall hereafter be incorporated with the privilege of electing a representative, unless there are, within the same one hundred and fifty ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

3. Every member of the house of representatives shall be chosen by written votes; and for one year at least next preceding his election shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds within, the town he shall be chosen to represent, or any ratable estate, to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

4. Every male person (being twenty-one years of age, and resident of any particular town in this commonwealth, for the [illegible]ce of one year next preceding) having a freehold estate [illegible]in the same town, of the annual income of three pounds, [illegible] of the value of sixty pounds, shall have a right to

vote in the choice of a representative, or representatives, for the said town.

5. The members of the house of representatives shall be chosen annually, in the month of May, ten days, at least, before the last Wednesday of that month.

6. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments, made by them, shall be heard and tried by the senate.

7. All money bills shall originate in the house of representatives: but the senate may propose or concur with amendments as on other bills.

8. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

9. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.

10. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle their rules and orders of proceeding in their own house. They shall have authority to punish, by imprisonment, every person (not a member) who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person, ordered to attend the house in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested or held to bail on mesne process, during his going into, returning from, or his attending the general assembly.

11. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAP. 2.—SECTION 1.

EXECUTIVE POWER.

Governor.

Article 1. There shall be a supreme executive magistrate, who shall be styled *the Governor of the Commonwealth of Massachusetts;* and whose title shall be, *His Excellency.*

2. The governor shall be chosen annually: and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold within the commonwealth of the value of one thousand pounds; and unless he shall declare himself to be of the Christian religion.

3. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor to the selectmen, who shall preside at such meetings; and the town clerk, in the presence, and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person, against his name: and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said lists, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May: and the sheriff shall transmit the same to the secretary's office seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and house of representatives on the last Wednesday in May, to be by them examined: and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published. But if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for: but, if otherwise, out of the number voted for; and make return to the senate of the persons so elected; on which the senate shall, by ballot, elect one who shall be declared governor.

[illegible] The governor shall have authority from time to time, at [illegible]etion, to assemble and call together the counsellors of [illegible]wealth for the time being; and the governor, with

the said counsellors, or five of them at least, shall, and may from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and laws of the land.

5. The governor, with the advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same, to any time the two houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May, and in the recess of the said court to prorogue the same, from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same. And in case of any infectious distemper prevailing in the place where the said court is next, at any time, to convene, or any cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other of the most convenient places within the state.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

6. In cases of disagreement between the two houses with regard to the necessity, expediency, or time of adjournment, or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine, and the public good shall require.

7. The governor of this commonwealth, for the time being, shall be commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof; and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth; and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons, as shall at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, (declared by the legislature to exist,) as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or (with their ships, arms, ammunition, and goods) as

hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth: and that the governor be intrusted with all these and other powers incident to the offices of captain general, and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state, to which they cannot conveniently have access.

8. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

9. All judicial officers, the attorney general, the solicitor general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

10. The captains and subalterns of the militia shall be elected by the written votes of the train band and alarm list of their respective companies, of twenty-one years of age and upwards. The field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments. The brigadiers shall be elected in like manner, by the field officers of their respective brigades. And such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

The major generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

And if the electors of brigadiers, field officers, captains, or subalterns, shall neglect or refuse to make such elections, after being duly notified according to the laws of the time being, the governor with advice of council shall appoint suitable to fill such offices.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the commonwealth for the time being.

The commanding officers of regiments shall appoint their adjutants and quartermasters: the brigadiers their brigade majors; and the major generals their aids: and the governor shall appoint the adjutant general.

The governor, with advice of council, shall appoint all officers of the continental army, whom (by the confederation of the United States) it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

11. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant, under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the act and resolves of the general court.

12. All public boards, the commissary general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property whatever, under their care respectively; distinguishing the quantity, number, quality, and kind of each, as particularly as may be; together with the condition of such forts and garrisons. And the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, harbour or harbours, adjacent.

And the said boards and all public officers shall communicate to the governor, as soon as may be, after receiving the same, all despatches and intelligence of a public nature, which shall be directed to them respectively.

13. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support: that he should in all cases act with freedom for the benefit

public; that he should not have his attention necessarily diverted from that object, to his private concerns: and that he should maintain the dignity of the commonwealth, in the character of its chief magistrate—it is necessary that he should have an honourable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws; and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Permanent and honourable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAP. 2.—SECTION 2.

Lieutenant Governor.

Article 1. There shall be annually elected a lieutenant governor of the commonwealth of Massachusetts, whose title shall be, *His Honour;* and who shall be qualified, in point of religion, property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor The return of the votes for this officer, and the declaration of his election, shall be in the same manner. and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people, to be governor.

2. The governor, and, in his absence, the lieutenant governor, shall be the president of the council; but shall have no vote in council; and the lieutenant governor shall always be a member of the council, except when the chair of the governor shall be vacant.

3. Whenever the chair of the governor shall be vacant by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant governor for the time being shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the power and authorities which, by this constitution, the governor is vested with, when personally present.

CHAP. 2.—SECTION 3.

Council, and the manner of settling elections by the Legislature.

Article 1. There shall be a council for advising the governor

in the executive part of government, to consist of nine persons, besides the lieutenant governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together: and the governor, with the said counsellors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

2. Nine counsellors shall be annually chosen from among the persons returned for the counsellors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives, assembled in one room: and in case there shall not be found, upon the first choice, the whole number of nine persons, who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid, from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

3. The counsellors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant governor.

4. Not more than two counsellors shall be chosen out of any one district of this commonwealth.

5. The resolutions and advice of the counsel shall be recorded in a register; and signed by the members present: and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

6. Whenever the office of the governor and lieutenant governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and to execute all and every such acts, matters, and things, as the governor or lieutenant governor might or could, by virtue of this constitution, do or execute, if they or either of them were personally present.

7. And whereas the elections appointed to be made by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of election shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant governor shall then be elected, provided there shall be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.

CHAP. 2.—SECTION 4.

Secretary, Treasurer, Commissary, &c.

Article 1. The secretary, treasurer, and receiver general, and the commissary general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room; and that the citizens of this commonwealth may be assured from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver general more than five years successively.

2. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAP. 3.

Judiciary Power.

Article 1. The tenure that all commission officers shall, by law, have in their offices, shall be expressed in their respective commissions; all judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behaviour; excepting such concerning whom there is different provision made in this constitution. Provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature

2. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

3. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the commonwealth.

4. The judges of probates of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people may require: [illegible] the legislature shall, from time to time hereafter, appoint [illegible] times and places: until which appointments, the said

courts shall be holden at the times and places which the respective judges shall direct.

5. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

CHAP. 4.

Delegates to Congress.

The delegates of this commonwealth to the congress of the United States shall, some time in the month of June annually, be elected by joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned in the same manner, in their stead.

CHAP. V.

The University at Cambridge and Encouragement of Literature, &c.

SECTION 1.—THE UNIVERSITY.

Article 1. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard college, in which university many persons of great eminence have, by the blessing of God, been initiated into those arts and sciences which qualified them for public employments both in church and state: and whereas the encouragement of arts and sciences, and all good literature, tends to the honour of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, it is declared that the president and fellows of Harvard college in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise, and enjoy: and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard college and to their successors, and to their officers and servants, respectively, for ever.

2. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, chattels, legacies, and conveyances, heretofore made, Harvard college, in Cambridge, in New England,

president and fellows of Harvard college, or to the said college, by some other description, under several charges successively—it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby for ever confirmed unto the president and fellows of Harvard college, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor and grantors, devisor or devisors.

3. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president and a number of the clergy in the said act described, constituted the overseers of Harvard college: and it being necessary in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy governor, and magistrates, it is declared that the governor, lieutenant-governor, council, and senate of this commonwealth, are and shall be deemed their successors: who, with the president of Harvard college, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorcester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard college: provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late province of the Massachusetts Bay.

CHAP. 5.—SECTION 2.

The Encouragement of Literature.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties, and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of the legislatures and magistrates, in all future periods of this commonwealth, to cherish the interest of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, by rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to coun- [illegible] inculcate the principles of humanity and general

benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings: sincerity, good humour, and all social affections and generous sentiments among the people.

CHAP 6.

Oaths and subscriptions; incompatibility of, and exclusions from, offices; pecuniary qualifications; commissions; writs; confirmation of laws; habeas corpus; the enacting style; continuance of officers; provision for a future revisal of the constitution, &c.

Article 1 Any person chosen governor, or lieutenant governor, counsellor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, take, make, and subscribe, the following declaration, viz.

"I, A. B., do declare that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant governor, and counsellors, shall make and subscribe the said declaration in the presence of the two houses of assembly; and the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and, for ever afterwards, before the governor and council for the time being.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office, under the government, shall, before he enter on the discharge of the business of his place or office, take and subscribe the following declaration and oaths, or affirmations, viz.

"I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state; and I do swear that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies, and all hostile attempts whatsoever: and that I do renounce and abjure all allegiance, subjection, and obedience to the *king, queen*, or *government* of Great Britain, *as the case may be*, and every other foreign power whatsoever: and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United S

*And I do further testify and declare, that no man or

of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. *So help me God.*

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——————, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of this commonwealth. *So help me God.'*

Provided always, that when any person chosen or appointed as aforesaid shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation, in the foregoing form, and subscribe the same, omitting the words, '*I do swear,*' '*and abjure,*' '*oath,*' '*and abjuration,*' in the first oath; and in the second oath, the words '*swear and,*' and in each of them the words '*so help me God,*' subjoining instead thereof, '*This I do under the pains and penalties of perjury.*'

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant governor, and counsellors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and, for ever afterwards, before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons as, from time to time, shall be prescribed by the legislature.

2. No governor, lieutenant governor, or judge of the supreme judicial court, shall hold any office or place under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace throughout the state; nor shall they hold any other place or office, or receive any pension or salary, from any other state, or government, or power whatever.

No person shall be capable of holding or exercising, at the same time, more than one of the following offices within this state, viz. judge of probate, sheriff, register of probate, or register of deeds: and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by election of the people of the state at large, or of the people of any county, (military officer and the office of justice of the [illegible] excepted,) shall be held by one person.

No person holding the office of judge of the supreme judicial court, secretary, attorney general, solicitor general, treasurer or receiver general, judge of probate, commissary general, president, professor, or instructer of Harvard college, sheriff, clerk of the house of representatives, register of probate, register of deeds, clerk of the supreme judicial court, clerk of the inferior court of common pleas, or officer of the customs, (including in this description naval officers,) shall at the same time have a seat in the senate or house of representatives; but, their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the places so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

3. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected into offices, as the circumstances of the commonwealth shall require.

4. All commissions shall be in the name of the commonwealth of Massachusetts; signed by the governor, and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

5. All writs issuing out of the clerk's office, in any of the courts of law, shall be in the name of the commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, (who is not a party,) and be signed by the clerk of such court.

6. All the laws which have heretofore been adopted, used, and approved of in the province, colony, or state of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature: such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

7. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this commonwealth in the most free, eas[y] cheap, expeditious, and ample manner; and shall not be [sus]pended by the legislature, except upon the most urgent

pressing occasions, and for a limited time, not exceeding twelve months.

8. The enacting style, in making and passing all acts, statutes, and laws, shall be, "*Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same.*"

9. To the end there may be no failure of justice, or danger arise to the commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead: and all courts of law shall proceed in the execution of the business of their respective departments: and all the executive and legislative officers, bodies, and powers, shall continue in full force in the enjoyment and exercise of all their trusts, employment, and authority, until the general court, and the supreme and executive officers, under this constitution, are designated and invested with their respective trusts, powers, and authority.

10. In order the more effectually to adhere to the principles of the constitution, and correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninty-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favour of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention, for the pupose aforesaid.

The said delegates to be chosen in the same manner and proportion, as their representatives in the second branch of the legislature are by this constitution to be chosen.

11. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land: and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, [illegible] future editions of the said laws.

JAMES BOWDOIN, *President.*

[illegible] SAMUEL BARRET, *Secretary.*

AMENDMENTS.

Proclamation of Governor Brooks, of Massachusetts, announcing to the public the amendments lately made by the convention to the constitution of that state, and which, being ratified by the people, now form a part of the constitution of the said state.

WHEREAS sundry resolutions passed the legislature on the fifth day of June, in the year of our Lord one thousand eight hundred and twenty-one, in the words following, viz:

"Whereas the convention of the delegates of the people, assembled at Boston on the third Wednesday of November, in the year of our Lord one thousand eight hundred and twenty, for the purpose of revising and amending the constitution of the commonwealth, pursuant to an act of the general court, passed on the sixteenth day of June, in the year aforesaid, submitted certain articles of amendment of the constitution to the people, for their ratification and adoption; and whereas it appears by a certificate of the committee of the said convention; that the following articles of amendment, so submitted, as aforesaid, have been ratified and adopted by the people, in the manner directed by the said convention, and have thereby become a part of the constitution of this commonwealth, to wit:

Article 1. If any bill or resolve shall be objected to, and not approved of by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it, with his objections, as provided by the constitution; such bill or resolve shall not become a law, nor have force as such.

Art. 2. The general court shall have full power and authority to erect or constitute municipal or city governments in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient, for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards, or otherwise, for the election of officers, under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and votin[illegible] thereon, pursuant to a vote at a meeting duly w[illegible] holden for that purpose: and provided, also, that a[illegible]

made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Art. 3. Every male citizen of twenty-one years of age, and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months, next preceding any election of governor, lieutenant governor, senators, representatives, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen, who shall be by law exempt from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor and lieutenant governor, senators, and representatives; and no other person shall be entitled to vote in such election.

Art. 4. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, and upon the address of both houses of the legislature.

In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.

Whenever the exigencies of the commonwealth shall require the appointment of a commissary general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Art. 5. In the election of captains and subalterns of the militia, all the members of their respective companies, as well those under, as those above the age of twenty-one years, shall have a right to vote.

Art. 6. Instead of the oath of allegiance, prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter upon the duties of his office, to wit:

"I, A. B., do solemnly swear, that I will bear true faith and allegiance to the commonwealth of Massachusetts, and will [illegible] constitution thereof. So help me God."

[illegible] that when any person shall be of the denomina-

tion called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear," and inserting, instead thereof, the word "affirm," and omitting the words "so help me God," and subjoining, instead thereof, the words "this I do under the pains and penalties of perjury."

Art. 7. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant governor, counsellors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Art. 8. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (post masters excepted,) shall, at the same time, hold the office of governor, lieutenant governor, or counsellor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney general, solicitor general, county attorney, clerk of any court, sheriff, treasurer and receiver general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office, under the government of this commonwealth, the office of the justice of the peace and militia officers excepted.

Art. 9. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed, in the general court, and agreed to by a majority of the senators, and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if in the general court then next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon; then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

Resolved, That the above recited articles of amendmen[t] shall be enrolled on parchment, and deposited in the se

office, as a part of the constitution and fundamental laws of this commonwealth, and published in immediate connexion therewith, in all future editions of the laws of this commonwealth, printed by public authority. And in order that the said amendments may be promulgated and made known to the people of this commonwealth without delay, it is further

Resolved, That his excellency, the governor, be, and he hereby is authorized and requested to issue his proclamation, reciting the articles aforesaid; announcing that the same have been duly adopted and ratified by the people of this commonwealth, and become a part of the constitution thereof; and requiring all magistrates, officers, civil and military, and all the citizens of this commonwealth, to take notice thereof, and govern themselves accordingly."

Now, therefore, I, John Brooks, governor of the commonwealth of Massachusetts, by virtue of the authority to me given by the resolution last above written, do issue this my proclamation, and I do hereby announce, that the several articles aforesaid have been duly ratified and adopted by the people of this commonwealth, and have become a part of the constitution thereof. And all magistrates, officers civil and military, and all the citizens of the commonwealth, are required to take notice thereof, and govern themselves accordingly.

Given at the council chamber, in Boston, the day and year first above written, and in the forty-fifth year of the independence of the United States.

JOHN BROOKS

By his Excellency the Governor,

ALDEN BRADFORD, *Secretary*.

God save the commonwealth of Massachusetts!



CONSTITUTION OF NEW HAMPSHIRE.

The Constitution of New Hampshire, as altered and amended by a convention of delegates held at Concord, in said state, by adjournment, on the second Wednesday of February, 1792.

PART I.

BILL OF RIGHTS.

ARTICLE 1. All men are born equally free and independent: Therefore, all government, of right, originates from the people, founded in consent, and instituted for the general good.

[illegible] men have certain natural, essential, and inherent

rights—among which are, the enjoying and defending life and liberty, acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness.

3. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and without such an equivalent the surrender is void.

4. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the *rights of conscience.*

5. Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience, and reason; and no person shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace, or disturb others in their religious worship.

6. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay, in the hearts of men, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, by the institution of the public worship of the Deity, and of public instruction in morality and religion; therefore, to promote these important purposes, the people of this state have a right to empower, and do hereby fully empower, the legislature, to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies, within this state, to make adequate provision, at their own expense, for the support and maintenance of public protestant teachers of piety, religion, and morality:

Provided, notwithstanding, That the several towns, parishes, bodies corporate, or religious societies, shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance: And no person, of any one particular religious sect or denomination, shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect, or denomination.

And every denomination of Christians, demeaning themselves quietly, and as good citizens of the state, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another, shall ever be established by law.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain, and be in the same state, as if this constitution had not been made.

7. The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and for ever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.

8. All power residing originally in, and being derived from, the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.

9. No office or place whatsoever, in government, shall be hereditary—the abilities and integrity requisite in all, not being transmissible to posterity or relations

10. Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, or public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old, or establish a new government. The doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

11. All elections ought to be free, and every inhabitant of the state, having the proper qualifications, has an equal right to elect, and be elected, into office.

12. Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share to the expense of such protection and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they, or their representative body, have given their consent.

13. No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

14 Every citizen of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without denial, promptly, and without delay, conformable to the laws.

15. No person shall be held to answer for any crime or [illegible]ence, until the same is fully and plainly, substantially and [illegible] described to him. nor be compelled to accuse or

furnish evidence against himself. And every person shall have a right to produce all proofs that may be favourable to himself; to meet the witnesses against him, face to face; and to be fully heard in his defence, by himself and counsel. And no person shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

16. No person shall be liable to be tried, after an acquittal, for the same crime or offence. Nor shall the legislature make any law that shall subject any person to a capital punishment, (excepting for the government of the army and navy, and the militia in actual service,) without trial by jury.

17. In criminal prosecutions, the trial of facts, in the vicinity where they happen, is so essential to the security of the life, liberty, and estate, of the citizens, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior courts that an impartial trial cannot be had in the county where the offence may be committed, and upon their report the legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

18. All penalties ought to be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason, a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate, mankind.

19. Every person hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant of a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued, but in cases, and with the formalities, prescribed by law.

20. In all controversies concerning property, and in all suits between two or more persons, excepting in cases wherein it hath been heretofore otherwise used and practised, the parties have a right to a trial by jury; and this right shall be deemed sacred and inviolable; but the legislature may, by the constitution, be empowered to make such regulations as will prevent parties from having as many trials by jury, in the same suit or action, as hath been heretofore allowed and practised, and to extend the civil jurisdiction of justices of the peace to the trials of suits where the sum demanded in damages doth not exceed four pounds, saving the right of appeal to either party. But no such regulations shall take away the right of trial by jury, in any case not in this article before excepted, unless in cases respecting mariners' wages.

21. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time, and attendance.

22. The *liberty of the press* is essential to the security of freedom in a state: it ought, therefore, to be inviolably preserved.

23. Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes, or the punishment of offences.

24. A well regulated militia is the proper, natural, and sure defence, of a state.

25. Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the legislature.

26. In all cases, and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

27. No soldier, in time of peace, shall be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

28. No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body.

29. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

30. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution, in any other court or place whatsoever.

The legislature shall assemble for the redress of public

grievances, and for making such laws as the public good may require.

32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the public good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

34. No person can, in any case, be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

35. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honourable salaries, ascertained and established by standing laws.

36. Economy being a most essential virtue in all states, especially in a young one; no pension shall be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature, and never for more than one year at a time.

37. In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connexion that binds the whole fabric of the constitution in one indissoluble bond of unity and amity.

38. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives: And they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of the government.

PART II.

Form of Government.

The people inhabiting the territory formerly called the province of New Hampshire, do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or state, by the name of the *State of New Hampshire.*

General Court.

The supreme legislative power, within this state, shall be vested in the senate and house of representatives, each of which shall have a negative on the other.

The senate and house shall assemble every year on the first Wednesday in June—and at such other times as they may judge necessary; and shall dissolve, and be dissolved, seven days next preceding the said first Wednesday in June; and shall be styled *The General Court of New Hampshire.*

The general court shall for ever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be holden in the name of the state, for the hearing, trying, and determining all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters, and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting or residing, or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for awarding and issuing execution thereon. To which courts and judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

And farther, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the citizens of the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling all civil officers within this state; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, [illegible] the same be not repugnant or contrary to this constitu-

tion; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of this state, and the protection and preservation of the citizens thereof, according to such acts as are, or shall be, in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has been heretofore practised, in order that such assessments may be made with equality, there shall be a valuation of the estates within the state, taken anew once in every five years at least, and as much oftener as the general court shall order.

No member of the general court shall take fees, be of counsel or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.

The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

Senate.

The senate shall consist of twelve members, who shall hold their offices for one year, from the first Wednesday in June next ensuing their election.

And that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into twelve districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall annually give in their votes for a senator, at some meeting holden in the month of March.

The senate shall be the first branch of the legislature: and the senators shall be chosen in the following manner, viz. Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upwards, excepting paupers, and persons excused from paying taxes at their own request, shall have a right at the annual or other meetings of the inhabitants

towns and parishes, to be duly warned and holden annually for ever in the month of March, to vote in the town or parish wherein he dwells, for the senators of the county or district whereof he is a member.

Provided, nevertheless, That no person shall be capable of being elected a senator, who is not seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation, where he dwelleth, and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meeting of such plantations and places for that purpose shall be holden annually, in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

The meetings for the choice of governor, council, and senators shall be warned, by warrant, from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen, (whose duty it shall be to attend,) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town clerk, in said meeting, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person: and the town clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up, and directed to the secretary of the state, with a superscription, expressing the purport thereof: and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie, forty days at least before the first Wednesday in June; or to the secretary of the state at least thirty days before the said first Wednesday in June, and

the sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the secretary's office, at least thirty days before the first Wednesday in June.

And that there may be a due meeting of senators on the first Wednesday in June annually, the governor and the majority of the council for the time being, shall, as soon as may be, examine the returned copies of such records, and, fourteen days before the said first Wednesday in June, he shall issue his summons to such persons as appear to be chosen senators by a majority of votes, to attend and take their seats on that day.

Provided, nevertheless, That for the first year, the said returned copies shall be examined by the president and a majority of the council then in office: And the said president shall, in like manner, notify the persons elected, to attend and take their seats accordingly.

And in case there shall not appear to be a senator elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz. The members of the house of representatives, and such senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect by joint ballot the senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen.

The senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this constitution.

The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided, nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

The senate shall appoint their president and other officers, and determine their own rules of proceedings: and not less than seven members of this senate shall make a quorum for doing business: and when less than eight senators shall be present, the assent of five at least shall be necessary to render their acts and proceedings valid.

The senate shall be a court, with full power and authority to hear, try, and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice, or maladministration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them, wi[illegible]

necessary powers incident to a court of trials: but, previous to the trial of any such impeachment, the members of the senate shall be respectively sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, malpractice, or maladministration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon, with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel; and may, also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his nonappearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honour, trust, or profit, under this state; but the party so convicted shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

House of Representatives.

There shall be, in the legislature of this state, a representation of the people, annually elected, and founded upon principles of equality; and in order that such representation may be as equal as circumstances will admit, every town, parish, or place, entitled to town privileges, having one hundred and fifty ratable male polls, of twenty-one years of age, and upwards, may elect one representative: if four hundred and fifty ratable male polls, may elect two representatives; and so proceeding, in that proportion, make three hundred such ratable polls, the mean of increasing number, for every additional representative.

Such towns, parishes, or places, as have less than one hundred and fifty ratable polls, shall be classed by the general assembly, for the purpose of choosing a representative, and seasonably notified thereof. And in every class formed for the above mentioned purpose, the first annual meeting shall be held in the town, parish, or place, wherein most of the ratable polls reside; and afterwards in that which has the next

highest number; and so on, annually, by rotation, through the several towns, parishes, or places forming the district.

Whenever any town, parish, or place, entitled to town privileges, as aforesaid, shall not have one hundred and fifty ratable polls, and be so situated as to render the classing thereof with any other town, parish, or place very inconvenient; the general assembly may, upon application of a majority of the voters of such town, parish, or place, issue a writ for their selecting and sending a representative to the general court.

The members of the house of representatives shall be chosen annually, in the month of March, and shall be the second branch of the legislature.

All persons qualified to vote in the election of senators shall be entitled to vote within the district where they dwell, in the choice of representatives. Every member of the house of representatives shall be chosen by ballot; and for two years at least next preceding his election, shall have been an inhabitant of this state; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one-half of which to be a freehold, whereof he is seized in his own right; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent, and shall cease to represent such district immediately on his ceasing to be qualified as aforesaid.

The members of both houses of the legislature shall be compensated for their services out of the treasury of the state, by a law made for that purpose; such members attending seasonably, and not departing without license. All intermediate vacancies, in the house of representatives, may be filled up from time to time, in the same manner as annual elections are made.

The house of representatives shall be the grand inquest of the state; and all impeachments made by them shall be heard and tried by the senate.

All money-bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

The house of representatives shall have the power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the house of representatives shall be a quorum for doing business: but when less than two-thirds of the house of representatives elected shall be present, the assent of two-thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the house of representatives or senate shall be arrested or held to bail, on mesne process, during his going to, return from, or attendance upon the court.

The house of representatives shall choose their own speaker,

appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the return, elections and qualifications of its members, as pointed out in this constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the house in its presence, by any disorderly and contemptuous behaviour, or by threatening or ill treating any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness or other person ordered to attend by, and during his attendance on, the house, or in rescuing any person arrested by order of the house, knowing them to be such. The senate, governor, and council, shall have the same powers in like cases: provided that no imprisonment by either for any offence exceed ten days.

The journals of the proceedings, and all the public acts of both houses of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, the yeas and nays upon any question shall be entered in the journals: and any member of the senate or house of representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journals.

EXECUTIVE POWER.

Governor.

The governor shall be chosen annually, in the month of March; and the votes for governor shall be received, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives on the first Wednesday in June, to be by them examined; and in case of an election by a majority of votes through the state, the choice shall be by them declared and published.

And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a majority of votes, the senate and house of representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor.

And no person shall be eligible to this office unless, at the time of his election, he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall, at the same time, have an estate of the value of five hundred pounds, one

half of which shall consist of a freehold, in his own right, within the state.

In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor, with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days at any one time, as he may determine the public good may require, to meet at the place where the general court shall be at that time sitting; and he shall dissolve the same seven days before the said first Wednesday in June.

And, in case of any infectious distemper prevailing in the place where the said court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the governor may direct the session to be holden at some other, the most convenient place within the state.

Every bill which shall have passed both houses of the general court shall, before it become a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it: if; after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law.

Every resolve shall be presented to the governor, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the attorney-general, solicitors, all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the governor and council; and every such nomination shall be made at least three days prior to such appointment; and no appointment shall take place, unless a majority of the council agree thereto. The governor and council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the governor and council, and every

negative shall also be signed by the governor or council who made the same.

The captains and subalterns, in the respective regiments, shall be nominated by the field officers, and, if approved by the governor, shall be appointed by him.

Whenever the chair of the governor shall become vacant, by reason of his death, absence from the state, or otherwise, the president of the senate shall, during such vacancy, have and exercise all the powers and authorities which, by this constitution, the governor is vested with, when personally present, but when the president of the senate shall exercise the office of governor, he shall not hold his office in the senate.

The governor, with the advice of council, shall have full power and authority, in the recess of the general court, to prorogue the same from time to time, not exceeding ninety days, in any one recess of said court, and during the session of said court, to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

The governor of this state for the time being shall be commander-in-chief of the army and navy, and all the military forces of this state, by sea and land, and shall have full power, by himself or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy, and for the special defence and safety of this state, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them encounter, repulse, repel, resist, and pursue, by force of arms, as well by sea as by land, within and without the limits of this state, and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprise and means, all and every such person and persons as shall at any time hereafter in a hostile manner attempt or enterprise the destruction, invasion, detriment, or annoyance of this state, and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist, as occasion shall necessarily require. And surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this state. And, in fine, the governor is hereby entrusted with all other powers incident to the office of captain general and commander in chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land. Provided, that the governor shall not at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted, to him by the legislature, transport

any of the inhabitants of this state, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court, nor grant commissions for exercising the law martial in any case, without the advice and consent of the council.

The power of pardoning offences, except such as persons may be convicted of before the senate, by impeachment of the house, shall be in the governor, by and with the advice of the council: but no charter of pardon granted by the governor, with advice of council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the state for the time being.

The commanding officers of the regiments shall appoint their adjutants and quarter masters, the brigadiers, their brigade majors; the major generals, their aids; the captains and subalterns, their non commissioned officers.

The governor and council shall appoint all officers of the continental army, whom, by the confederation of the United States, it is provided that this state shall appoint, as also all officers of forts and garrisons.

The division of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law.

No moneys shall be issued out of the treasury of this state, and disposed of, except such sums as may be appropriated for the redemption of bills of credit, or treasurer's notes, or for the payment of interest arising thereon, by warrant under the hand of the governor for the time being, by and with the advice and consent of the council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this state, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages, and small arms, with their accoutrements, and of all other public property under their care respectively, distinguishing the quantity and kind of each, as particularly as may be, together with the condition of such forts and garrisons: and the command-

officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbour or harbours adjacent.

The governor and council shall be compensated for their services from time to time, by such grants as the general court shall think reasonable.

Permanent and honourable salaries shall be established by law for the justices of the supreme court.

Council.

There shall be annually elected, by ballot, five counsellors, for advising the governor in the executive part of the government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall, some time in the month of March, give in their votes for one counsellor; which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday in June.

And the person having a majority of votes in any county shall be considered as duly elected a counsellor: but if no person shall have a majority of votes in any county, the senate and house of repressntatives shall take the names of the two persons who have the highest number of votes in each county and not elected, and out of those two shall elect, by joint ballot, the counsellor wanted for such county.

Provided, nevertheless, That no person shall be capable of being elected a counsellor who has not an estate of the value of five hundred pounds within this state, three hundred pounds of which (or more) shall be a freehold in his own right, and who is not thirty years of age; and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and at the time of his election an inhabitant of the county in which he is elected.

The secretary shall, annually, seventeen days before the first Wednesday in June, give notice of the choice of persons elected.

If any person shall be elected governor, or member of either branch of the legislature, and shall not accept the trust; or if any person elected a counsellor shall refuse to accept the office; or in case of the death, resignation, or removal of any counsellor out of the state, the governor may issue a precept for the election of a new counsellor in that county where such vacancy shall happen: and the choice shall be in the same manner as before directed: and the governor shall have full pow[illegible]d authority to convene the council, from time to time, [illegible]scretion; and, with them, or the majority of them, may, [illegible]ll, from time to time, hold a council, for ordering

and directing the affairs of the state according to the laws of the land.

The members of the council may be impeached by the house, and tried by the senate, for bribery, corruption, malpractice, or maladministration.

The resolutions and advice of the council shall be recorded by the secretary, in a register, and signed by all the members present agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the council may enter his opinion contrary to the resolutions of the majority, with the reason for such opinion.

The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of ratable polls, and proportion of public taxes: each district to elect a counsellor; and in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

And whereas the elections appointed to be made by this constitution, on the first Wednesday of June annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same may be completed; and the order of the elections shall be as follows: the vacancies in the senate, if any, shall be first filled up; the governor shall then be elected, provided there shall be no choice of him by the people; and afterwards the two houses shall proceed to fill up the vacancy, if any, in the council.

Secretary, Treasurer, Commissary-General, &c.

The secretary, treasurer, and commissary general, shall be chosen by joint ballot of the senators and representatives, assembled in one room.

The records of the state shall be kept in the office of the secretary, and he shall attend the governor and council, the senate and representatives, in person, or by deputy, as they may require.

The secretary of the state shall, at all times, have a deputy, to be by him appointed; for whose conduct in office he shall be responsible. And in case of the death, removal, or inability, of the secretary, his deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed. The secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of his trust.

County Treasurer, &c.

The county treasurers, and registers of deeds, shall elected by the inhabitants of the several towns in the s

counties in the state, according to the method now practised, and the laws of the state.

Provided, nevertheless, The legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts for registering deeds, if to them it shall appear necessary; each district to elect a register of deeds: and before they enter upon the business of their office, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bonds, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

Judiciary Power.

The tenure that all commissioned officers shall have by law in their offices, shall be expressed in their respective commissions—all judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behaviour, excepting those concerning whom there is a different provision made in this constitution; *Provided, nevertheless,* the governor, with consent of council, may remove them upon the address of both houses of the legislature.

Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the superior court, upon important questions of law, and upon solemn occasions.

In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the state.

All causes of marriage, divorce, and alimony, and all appeals from the respective judges of probate, shall be heard and tried by the superior court until the legislature shall by law make other provision.

The general court are empowered to give to justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed *four pounds,* and title of real estate is not concerned; but with right of appeal to either party, to some other court, so that a trial by jury in the last resort may be had.

No person shall hold the office of a judge in any court, or judge of probate, or sheriff of any county, after he has attained of seventy years.

No judge of any court, or justice of the peace, shall act as attorney, or be of council, to any party, or originate any civil suit, in matters which shall come or be brought before him as judge, or justice of the peace.

All matters relating to the probate of wills, and granting letters of administration, shall be exercised by the judges of probate, in such manner as the legislature have directed, or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days as the conveniency of the people may require, and the legislature from time to time appoint.

No judge or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or council, in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.

Clerks of Court.

The judges of the courts (those of the probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerks shall act as an attorney, or be of counsel, in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

Encouragement of Literature, &c.

Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end: it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections and generous sentiments among the people.

Oath and subscriptions; exclusion from offices; commissions; writs; confirmation of laws; habeas corpus; the enacting style; continuance of officers; provision for a future revision of the constitution, &c.

Any person chosen governor, counsellor, senator or representative, military or civil officer, (town officers excepted,) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.

I, A. B , do solemnly swear, that I will bear faith and true allegiance to the state of New Hampshire, and will support the constitution thereof. *So help me God.*

I, A. B. do solemnly and sincerely swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———— according to the best of my abilities, agreeably to the rules and regulations of this constitution and the laws of the state of New Hampshire. *So help me God.*

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, he shall not be obliged to take said oath again.

Provided always, When any person chosen or appointed as aforesaid, shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such shall take and subscribe them, omitting the word *swear*, and likewise the words *so help me God*, subjoining instead thereof, *this I do under the pains and penalties of perjury.*

And the oaths or affirmations shall be taken and subscribed by the governor, before the president of the senate, in presence of both houses of the legislature, and by the senators and representatives first elected under this constitution, as altered and amended, before the president of the state, and a majority of the council then in office, and for ever afterwards before the governor and council for the time being; and by all other officers, before such persons, and in such manner as the legislature shall from time to time appoint.

All commissions shall be in the name of the state of New Hampshire, signed by the governor, and attested by the secretary or his deputy, and shall have the great seal of the state affixed thereto.

All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the state of New Hampshire; shall be under the seal of the court whence they issue, and bear test of the chief, first, or senior justice of the court; but when such justice shall be interested, then the writ shall bear test of some other justice of the court, to which the same shall be returnable; and be signed by the clerk of such court.

All indictments, presentments, and informations, shall conclude, *against the peace and dignity of the state.*

The estate of such persons as may destroy their own lives, shall not, for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

All the laws which have heretofore been adopted, used, and approved, in the province, colony, or state of New Hampshire,

and usually practised on in courts of law, shall remain and be in full force until altered and repealed by the legislature: such parts thereof only excepted, as are repugnant to the rights and liberties contained in this constitution: Provided that nothing herein contained, when compared with the twenty-third article in the bill of rights, shall be construed to affect the laws already made respecting the persons or estates of absentees.

The privilege and benefit of the habeas corpus shall be enjoyed in this state, in the most free, easy, cheap, expeditious, and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting style in making and passing acts, statutes, and laws, shall be—*Be it enacted by the senate and house of representatives, in general court convened.*

No governor, or judge of the supreme judicial court, shall hold any office or place under the authority of this state, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justice of the peace throughout the state; nor shall they hold any place or office, or receive any pension or salary, from any other state, government, or power whatever.

No person shall be capable of exercising, at the same time, more than one of the following offices within this state, viz. judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the governor, or governor and council, or senate and house of representatives, or superior or inferior courts, military offices, and offices of justices of the peace, excepted.

No person holding the office of judge of any court, (except special judges,) secretary, treasurer of the state, attorney general, commissary general, military officers receiving pay from the continent or this state, (excepting officers of the militia occasionally called forth on an emergency,) register of deeds, sheriff, or officers of the customs, including naval officers, collectors of excise, and state and continental taxes, hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall, at the same time, hold the office of governor, or have a seat in the senate, or house of representatives, or council; but his being chosen, or appointed to, and accepting the same, shall operate as a resignation of his seat in the chair, senate, or house of representatives, or council: and the places so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

No person shall ever be admitted to hold a seat in the legis

lature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery, or corruption in obtaining an election or appointment.

In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at *six shillings and eight pence* per ounce.

To the end that there may be no failure of justice, or danger to the state, by the alteration and amendments made in the constitution, the general court is hereby fully authorized and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.

It shall be the duty of the selectmen and assessors of the several towns and places in this state, in warning the first annual meeting for the choice of senators, after the expiration of seven years from the adoption of this constitution, as amended, to assert expressly in the warrant, this purpose, among the others for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution; and the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present, as to the necessity of a revision; and a return of the number of votes for and against such necessity, shall be made by the clerk, sealed up, and directed to the general court, at their next session; and if it shall appear to the general court, by such return, that the sense of the people of the state has been taken, and that, in the opinion of the majority of the qualified voters in the state, present and voting at said meetings, there is a necessity for a revision of the constitution, it shall be the duty of the general court to call a convention for that purpose; otherwise the general court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned. The delegates to be chosen in the same manner, and proportioned as the representatives to the general court; provided, that no alteration shall be made in this constitution, before the same shall be laid before the towns and unincorporated places, and approved by two-thirds of the qualified voters present and voting on the subject.

And the same method of taking the sense of the people as to a revision of the constitution, and calling a convention for that purpose, shall be observed afterwards, at the expiration of every seven years.

This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the books containing the laws of this state, in all future editions thereof.

JOHN PICKERING, *President, P. T.*

Attest, JOHN CALFE, *Secretary*.

CONSTITUTION OF VERMONT.

Adopted by the Convention holden at Windsor, July 4th, 1793.

CHAP. I.

A Declaration of Rights of the Inhabitants of the State of Vermont.

ARTICLE 1.

THAT all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety: therefore, no male person, born in this country, or brought from over sea, ought to be holden by law to serve any person as a servant, slave, or apprentice, after he arrives to the age of twenty-one years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

ARTICLE 2.

That private property ought to be subservient to public uses when necessity requires it; nevertheless, when any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ARTICLE 3.

That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God: and that no man ought to, or of right can, be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode of religious worship; and that no authority can or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control, the rights of conscience in the free exercise of religious worship. Nevertheless, every sect or denomination of Christians ought to observe the Sabbath, or Lord's day, and keep up some sort of

religious worship, which to them shall seem most agreeable to the revealed will of God.

ARTICLE 4.

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the law.

ARTICLE 5.

That the people of this state, by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

ARTICLE 6.

That all power being originally inherent in, and consequently derived from, the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

ARTICLE 7.

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

ARTICLE 8.

That all elections ought to be free and without corruption, and that all freemen, having a sufficient evidence, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

ARTICLE 9.

That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of any person's property can be justly taken from him, or applied to public uses, without his consent, or that of the representative body of freemen; nor can any man, who is conscientiously scrupulous

of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good; and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the legislature to be of more service to the community than the money would be if not collected.

ARTICLE 10.

That, in all prosecutions for criminal offences, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favour, and a speedy public trial, by an impartial jury of his country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

ARTICLE 11.

That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and, therefore, warrants without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places; or to seize any person or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

ARTICLE 12.

That when any issue in fact, proper for the cognizance of jury is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

ARTICLE 13.

That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

ARTICLE 14.

The freedom of deliberation, speech, and debate, in the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation, or prosecution, action, or complaint, in any other court or place whatsoever.

ARTICLE 15.

The power of suspending laws, or the execution of laws, ought never to be exercised but by the legislature, or by

authority derived from it, to be exercised in such particular cases as this constitution, or the legislature, shall provide for.

ARTICLE 16.

That the people have a right to bear arms for the defence of themselves and the state; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

ARTICLE 17.

That no person in this state can, in any case, be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

ARTICLE 18.

The frequent recurrence to fundamental principles, and firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the state.

ARTICLE 19.

That all people have a natural and inherent right to emigrate from one state to another that will receive them.

ARTICLE 20.

That the people have a right to assemble together to consult for their common good: to instruct their representatives: and apply to the legislature for redress of grievances by address, petition, or remonstrance.

ARTICLE 21.

That no person shall be liable to be transported out of this state for trial for any offence committed within the same.

CHAP. 2.

Plan or Form of Government.

§ 1. The commonwealth or state of Vermont shall be governed hereafter by a governor or lieutenant governor, council, and an assembly of the representatives of the freemen of the same in manner and form following:

§ 2. The supreme legislative power shall be vested in a

house of representatives, of the freemen of the commonwealth or state of Vermont.

§ 3. The supreme executive power shall be vested in a governor, or, in his absence, a lieutenant governor, and council.

§ 4. Courts of justice shall be maintained in every county in this state, and also in new counties, when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered, without corruption or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state; and the several judges of the county courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the county court.

§ 5. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth: Provided, they do not constitute themselves the judges of the said court.

§ 6. The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

§ 7. In order that the freemen of this state might enjoy the benefit of election, as equally as may be, each town within this state, that consists or may consist of eighty taxable inhabitants within one septenary, or seven years next after the establishing this constitution, may hold elections therein, and choose each two representatives; and each other inhabited town in this state may, in like manner, choose each one representative to represent them in general assembly, during the said septenary, or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each one representative, for ever thereafter.

§ 8. The house of representatives of the freemen of this state shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this state, respectively, on the first Tuesday in September annually for ever.

§ 9. The representatives so chosen, a majority of whom shall constitute a quorum for transacting any other business than raising a state tax, for which two-thirds of the members elected shall be present, shall meet on the second Thursday of the succeeding October, and shall be styled *The General Assembly of the State of Vermont:* they shall have power to choose their speaker, secretary of state, their clerk, and other necessary officers of the house—sit on their own adjournments—prepare bills, and enact them into laws—judge of the

elections and qualifications of their own members; they may expel members, but not for causes known to their own constituents antecedent to their own elections: they may administer oaths and affirmations in matters depending before them, redress grievances, impeach state criminals, grant charters of incorporation, constitute towns, boroughs, cities, and counties: they may, annually, on their first session after their election, in conjunction with the council, or oftener if need be, elect judges of the supreme and several county and probate courts, sheriffs, and justices of the peace; and also with the council may elect major generals and brigadier generals, from time to time, as often as there shall be occasion; and they shall have all other powers necessary for the legislature of a free and sovereign state but they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

§ 10. The supreme executive council of this state shall consist of a governor, lieutenant governor, and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of the election, for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written, to the constable, who shall seal them up, and write on them, *votes for the governor*, and deliver them to the representatives chosen to attend the general assembly; and at the opening of the general assembly there shall be a committee appointed out of the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the governor, and declare the person who has the major part of the votes to be governor for the year ensuing. And if there be no choice made, then the council and general assembly, by their joint ballot, shall make choice of a governor. The lieutenant governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes, for twelve counsellors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as counsellors.

§ 11. The governor, and, in his absence, the lieutenant governor, with the council, a major part of whom, including the governor, or lieutenant governor, shall be a quorum to transact business, shall have power to commission all officers, and also to appoint officers, except where provision is, or shall be otherwise made by law, or this frame of government; and shall supply every vacancy in any office, occasioned by death, or otherwise, until the office can be filled in the manner directed by law or this constitution.

They are to correspond with other states, transact business with officers of government, civil and military, and to prepare business as may appear to them necessary to lay before

the general assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the judges of the supreme court. And shall have power to grant pardons, and remit fines, in all cases whatsoever, except in treason and murder; in which they shall have power to grant reprieves, but not to pardon, until after the end of the next session of the assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation.

They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the general assembly. And they may draw upon the treasury for such sums as may be appropriated by the house of representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only. They may grant such licenses as shall be directed by law: and shall have power to call together the general assembly, when necessary, before the day to which they shall stand adjourned. The governor shall be captain general and commander-in-chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. And the lieutenant governor shall, by virtue of his office, be lieutenant general of all the forces of the state. The governor, or lieutenant governor, and the council, shall meet at the time and place with the general assembly; the lieutenant governor shall, during the presence of the commander-in-chief, vote and act as one of the council: and the governor, and, in his absence, the lieutenant governor, shall, by virtue of their offices, preside in council, and have a casting, but no other vote. Every member of the council shall be a justice of the peace, for the whole state, by virtue of his office. The governor and council shall have a secretary, and keep fair books of their proceedings, wherein any counsellor may enter his dissent, with his reasons to support it; and the governor may appoint a secretary for himself and his council.

§ 12. The representatives, having met and chosen their speaker and clerk, shall, each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed, except where they shall produce certificates of their having heretofore taken and subscribed the same, as the following oath or affirmation, viz.

"You, ——, do solemnly swear (or affirm) that, as a member of this assembly, you will not propose or assent to any bill, vote, or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatsoever that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state; but

will, in all things, conduct yourself as a faithful, honest representative, and guardian of the people, according to the best of your judgment and abilities: (*in case of an oath*) so help you God. (*And in case of an affirmation*) under the pains and penalties of perjury."

§ 13. The doors of the house in which the general assembly of this commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.

§ 14. The votes and proceedings of the general assembly shall be printed, when one-third of the members think it necessary, as soon as convenient after the end of each session, with the yeas and nays on any question, when required by any member, except where the votes shall be taken by ballot, in which case every member shall have a right to insert the reasons of his vote upon the minutes.

§ 15. The style of the laws of this state, in future to be passed, shall be: *It is hereby enacted by the general assembly of the state of Vermont.*

§ 16. To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations, as much as possible, prevented, all bills which originate in the assembly shall be laid before the governor and council for their revision and concurrence, or proposals of amendment; who shall return the same to the assembly, with their proposals of amendment, if any, in writing; and if the same are not agreed to by the assembly, it shall be in the power of the governor and council to suspend the passing of such bill until the next session of the legislature: Provided, that if the governor and council shall neglect or refuse to return any such bill to the assembly, with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law.

§ 17. No money shall be drawn out of the treasury, unless first appropriated by act of legislation.

§ 18. No person shall be elected a representative until he has resided two years in this state; the last of which shall be in the town for which he is elected.

§ 19. No member of the council or house of representatives shall, directly or indirectly, receive any fee or reward to bring forward or advocate any bill, petition, or other business to be transacted in the legislature; or advocate any cause, as counsel, in either house of legislation, except when employed in behalf of the state.

§ 20. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

§ 21. Every man, of the full age of twenty-one years, having resided in this state for the space of one whole year next before the election of representatives, and is of a quiet and

peaceable behaviour, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this state.

"You solemnly swear (or affirm) that whenever you give your vote or suffrage touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favour of any man."

§ 22. The inhabitants of this state shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as congress, agreeably to the constitution of the United States, and the legislature of this state, shall direct. The several companies of militia shall, as often as vacancies happen, elect their captain and other officers, and the captains and subalterns shall nominate and recommend the field officers of their respective regiments, who shall appoint their staff officers.

§ 23. All commissions shall be in the name of the freemen of the state of Vermont, sealed with the state seal, signed by the governor, and in his absence the lieutenant governor, and attested by the secretary; which seal shall be kept by the governor.

§ 24. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office or after his resignation or removal, for maladministration. All impeachments shall be before the governor, or lieutenant governor, and council, who shall hear and determine the same, and may award costs; and no trial or impeachment shall be a bar to a prosecution at law.

§ 25. As every freeman, to preserve his independence, if without a sufficient estate, ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention and discord among the people. But, if any man is called into public service, to the perjudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall wittingly and wilfully take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this state, until he shall be restored by act of legislation.

§ 26. No person in this state shall be capable of holding or exercising more than one of the following offices at the same time, viz. governor, lieutenant governor, judge of the

supreme court, treasurer of the state, member of the council, member of the general assembly, surveyor general, or sheriff. Nor shall any person, holding any office of profit or trust under the authority of congress, be eligible to any appointment in the legislature, or of holding any executive or judiciary office under this state.

§ 27. The treasurer of the state shall, before the governor and council, give sufficient security to the secretary of the state, in behalf of the general assembly; and each high sheriff, before the first judge of the county court to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums, as shall be directed by the legislature.

§ 28. The treasurer's accounts shall be annually audited, and a fair state thereof laid before the general assembly at their session in October.

§ 29. Every officer, whether judicial, executive, or military, in authority under this state, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this state, unless he shall produce evidence that he has before taken the same; and also the following oath or affirmation of office, except military officers, and such as shall be exempted by the legislature.

The oath or affirmation of office.

"You do solemnly swear (or affirm) that you will be true and faithful to the state of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention: (*If an oath*) so help you God. (*If an affirmation*) under the pains and penalties of perjury.

The oath or affirmation of office.

"You, ———, do solemnly swear (or affirm) that you will faithfully execute the office of ——— for the ——— of ———; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law: (*If an oath*) so help you God. (*If an affirmation*) under the pains and penalties of perjury."

§ 30. No person shall be eligible to the office of governor or lieutenant governor, until he shall have resided in this state four years next preceding the day of his election.

§ 31. Trials of issues, proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return or appointment of juries.

§ 32. All prosecutions shall commence, *by the authority of the state of Vermont*; all indictments shall conclude with these

words: *against the peace and dignity of the state.* And all fines shall be proportioned to the offences.

§ 33. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion, or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

§ 34. All elections, whether by the people or the legislature, shall be free and voluntary; and any elector, who shall receive any gift or reward for his vote, in meat, drink, moneys, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall, directly or indirectly, give, promise, or bestow, any such rewards, to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future legislature shall direct.

§ 35. All deeds and conveyances of land shall be recorded in the town clerk's office, in their respective towns; and for want thereof, in the county clerk's office of the same county.

§ 36 The legislature shall regulate entails in such manner as to prevent perpetuities.

§ 37. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labour those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: and all persons, at proper times, ought to be permitted to see them at their labour.

§ 38. The estates of such persons as may destroy their own lives shall not for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article, which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

§ 39. Every person of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and, after one year's residence shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of

state, except that he shall not be capable of being elected governor, lieutenant governor, treasurer, counsellor, or representative in assembly until after two year's residence.

§ 40. The inhabitants of this state shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the general assembly.

§ 41. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth: and one or more grammar schools be incorporated, and properly supported, in each county in this state. And all religious societies or bodies of men, that may be hereafter united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the general assembly of this state shall direct.

§ 42. The declaration of the political rights and privileges of the inhabitants of this state, is hereby declared to be a part of the constitution of this commonwealth, and ought not to be violated on any pretence whatsoever.

§ 43. In order that the freedom of this commonwealth may be preserved inviolate for ever, there shall be chosen, by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March, in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen, except they shall not be out of the council or general assembly, to be called the council of censors: who shall meet together on the first Wednesday in June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a convention, in which, two-thirds of the whole number elected shall agree, and whose duty it shall be to inquire, whether the constitution has been preserved inviolate in every part during the last septenary, including the year of their service, and whether the legislative and executive branches of government have performed their duty, as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the constitution: They are also to inquire, whether the public taxes have been justly laid and collected in all parts of this commonwealth; in what manner the public moneys have been disposed of; and whether the laws have been duly executed. For these purposes, they shall

have power to send for persons, papers, and records: they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the constitution: These powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said council of censors, shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution, which may be defective: explaining such as may be thought not clearly expressed: and of adding such as are necessary for the preservation of the rights and happiness of the people: but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

By order of Convention, July 9th, 1793.

THOMAS CHITTENDEN, *President.*

Attest, LEWIS R. MORRIS, *Secretary.*



CHARTER OF RHODE ISLAND.

GRANTED BY KING CHARLES II. IN THE FOURTEENTH YEAR OF HIS REIGN.

Quintadecima pars Patentium Anno Regni Regnis Caroli Secundi Quintodecimo.

CHARLES the Second, by the grace of God, &c. to all to whom these presents shall come, greeting: Whereas we have been informed, by the petition of our trusty and well beloved subjects, John Clark, on the behalf of Benedict Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weekes, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Houlden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island called

Rhode Island, and the rest of the colony of Providence Plantations, in the Narraganset Bay, in New England, in America—That they, pursuing with peace and loyal minds their sober, serious, and religious intentions, of godly edifying themselves and one another in holy Christian faith and worship, as they were persuaded, together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did not only, by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England, into America, but also, since their arrival there, after their first settlement amongst other of our subjects in those parts, for the avoiding of discord, and these many evils which were likely to ensue upon those our subjects, not being able to bear, in those remote parts, their different apprehensions in religious concernments: and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and, with excessive labour and travail, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of all that country; where, by the good providence of God, (from whom the plantations have taken their name,) upon their labour and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of said natives, to their full content, of such lands, islands, rivers, harbours, and roads, as are very convenient both for plantations and also for building of ships, supplying of pipe-staves and other merchandise, which lie very commodious, in many respects, for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having, by near neighbourhood to, and friendly society with the great body of Narraganset Indians, given them encouragement, of their own accord, to subject themselves, their people and land, unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavours, be laid a sure foundation of happiness to all America.

And whereas in their humble address, they have freely declared that it is much on their hearts (if they be permitted) to hold forth a lively experiment that a most flourishing civil state may stand, and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty:—

Now know ye, that we being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and

to secure them in the free exercise and enjoyment of all the civil and religious rights appertaining to them, as our loving subjects: and to preserve unto them that liberty in the true Christian faith and worship of God which they have sought with so much travail, and with peaceable minds and loyal subjection to our royal progenitors and ourselves, to enjoy: and because some of the people and inhabitants of the same colony cannot, in their private opinion, conform to the public exercise of religion, according to the liturgy, form, and ceremonies of the church of England, to take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, as we hope, be no breach of the unity and uniformity established in this nation, have therefore thought fit, and do hereby publish, grant, ordain, and declare, that our royal will and pleasure is:

That no person within the said colony, at any time hereafter, shall be anywise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, who do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his own and their judgments and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others; any law, statute, or clause therein contained, or to be contained, usage, or custom of this realm, to the contrary hereof, in any wise notwithstanding.

And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the Christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid, are graciously pleased to declare,

That they shall have and enjoy the benefit of our late act of indemnity and free pardon, as the rest of our subjects in our other dominions and territories have; and to create or make them a body politic or corporate, with the powers and privileges hereinafter mentioned. And, accordingly, our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained constituted, and declared, and, by these presents, for us, our heirs, and successors, do ordain, constitute, and declare, that they, the said William Brenton, William Codington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weekes, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Houlden, John Greene, John Roome, William Dyre, Samuel Wildbore,

Richard Tew, William Field, Thomas Harris, James Barker, ——— Rainsborough, ——— Williams, and John Nickson, and all such others as are now, or hereafter shall be, admitted free of the company and society of our colony of Providence Plantations, in the Narraganset Bay, in New England, shall be, from time to time, and for ever hereafter, a body corporate and politic, in fact and name, by the name of *The governor and company of the English colony of Rhode Island and Providence Plantations, in New England, in America*; and that by the same name they and their successors shall and may have perpetual succession, and shall and may be persons able and capable in the law to sue and be sued, to plead and be impleaded, to answer and to be answered unto, to defend and to be defended, in all and singular suits, causes, quarrels, matters, actions, and things, of what kind or nature soever; and also to have, take, possess, acquire and purchase lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, at their own will and pleasure, as other our liege people of this our realm of England, or any corporation or body politic within the same, may lawfully do.

And further, that they the said governor and company, and their successors, shall and may, for ever hereafter, have a common seal, to serve and use for all matters, causes, things, and affairs whatsoever, of them and their successors: and the same seal to alter, change, break, and make new, from time to time, at their will and pleasure, as they shall think fit.

And further we will and ordain, and by these presents, for us, our heirs, and successors, declare and appoint, that, for the better ordering and managing of the affairs and business of the said company and their successors, there shall be one governor, one deputy governor, and ten assistants, to be from time to time constituted, elected, and chosen, out of the freemen of the said company, for the time being, in such manner and form as is hereafter in these presents expressed; which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there.

And for the better execution of our royal pleasure herein, we do, for us, our heirs and successors, assign, name, constitute, and appoint the aforesaid Benedict Arnold to be the first and present governor of the said company; and the said William Brenton to be the deputy governor; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeshall, James Barker, William Field, and Joseph Clarke, to be the ten present assistants of the said company, to continue in the said

several offices respectively, until the first Wednesday which shall be in the month of May now next coming.

And further, we will, and, by these presents, for us, our heirs and successors, do ordain and grant, that the governor of the said company, for the time being, or, in his absence, by occasion of sickness or otherwise, by his leave or permission, the deputy governor for the time being shall and may, from time to time, upon all occasions, give orders for the assembling of the said company, and calling them together to consult and advise of the business and affairs of the said company; and that for ever hereafter twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener, in case it shall be requisite, the assistants, and such of the freemen of the said company, not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other place, town, or city, who shall be, from time to time, thereunto elected or deputed, by the major part of the freemen of the respective towns or places, for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said company and plantations.

And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said governor and company of the English colony of Rhode Island and Providence Plantations, in New England, in America, and their successors, that the governor, or, in his absence, or by his permission, the deputy governor of the said company, for the time being, the assistants and such of the freemen of the said company, as shall be so aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly, as aforesaid, shall be called the general assembly; and that they, or the greatest part of them then present (whereof the governor, or deputy governor, and six of the assistants at least, to be seven) shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint, alter, and change such days, times, and places of meeting and general assembly, as they shall think fit; and to choose, nominate, and appoint such and so many persons as they shall think fit, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit; and to elect and constitute such offices and officers, and to grant such needful commissions, as they shall think fit and requisite, for ordering, managing, and despatching all the affairs of the said governor and company, and their successors: and from time to time to make, ordain, constitute, and repeal, such laws, statutes, orders, and ordinances, forms and ceremonies of government

and magistracy, as to them shall seem meet, for the good and welfare of the said company, and for the government and ordering of the lands and hereditaments herein after mentioned to be granted, and of the people that do, or at any time hereafter shall, inhabit or be within the same; so as such laws, ordinances, and constitutions, so made, be not contrary and repugnant unto, but (as near as may be) agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there; and also to appoint, order, and direct, erect and settle such places and courts of jurisdiction, for hearing and determining of all actions, cases, matters, and things, happening within the said colony and plantation, which shall be in dispute, and depending there, as they shall think fit; and also to distinguish and set forth the several names and titles, duties, powers, and limits, of each court, office, and officer, superior and inferior; and also to contrive and appoint such forms of oaths and attestations, not repugnant, but (as near as may be) agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite, with respect to the due administration of justice, and due execution and discharge of all offices and places of trust, by the persons that shall be therein concerned: and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe, limit, and distinguish the number and bounds of all places, towns, and cities, within the limits and bounds hereinafter mentioned, and not herein particularly named, that have or shall have the power of electing and sending of freemen to the said general assembly: and also to order, direct, and authorize the imposing of lawful and reasonable fines, mulcts, imprisonment, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations, within this our kingdom of England; and again, to alter, revoke, annul or pardon, under their common seal, or otherwise, such fines, mulcts, imprisonments, sentences, judgments, and condemnations, as shall be thought fit; and to direct, rule, order, and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet; whereby our said people and inhabitants in the said plantations, may be so religiously, peaceably, and civilly governed, as that, by their good life, and orderly conversation, they may win and invite the native Indians of the country to the knowledge and obedience of the only true God and Saviour of mankind: willing, commanding, and by these presents, for us, our heirs, and successors, ordaining and appointing, that all such laws, statutes, orders, and ordinances, instructions, impositions, and directions, as shall be so made by the governor, deputy, assistant, and freemen, or such number of them as aforesaid,

and published in writing under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate of exemplification thereof, shall be, to all and every such officers, superior or inferior, from time to time, for the putting of the same orders, laws, statutes, ordinances, instructions, and directions in due execution, against us, our heirs, and successors, a sufficient warrant and discharge.

And further, our will and pleasure is, and we do hereby, for us, our heirs and successors, establish and ordain, that, yearly, once in the year for ever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere if urgent occasion do require, the governor, deputy governor, and assistants of the said company, and other officers of the said company, or such of them as the general assembly shall think fit, shall be in the said general court or assembly, to be held from that day or time, newly chosen for the year ensuing, by the greater part of the said company for the time being, as shall be then there present. And if it shall happen that the present governor, deputy governor, and assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their respective rooms, or any of them, or any other of the officers of the said company, shall die, or be removed from his or their several offices or places, before the said general day of election, (whom we do hereby declare for a misdemeanor or default to be removable by the governor, assistants, and company, or such greater part of them, in any of the said public courts to be assembled as aforesaid) that then, and in every such case, it shall and may be lawful to and for the said governor, deputy governor, assistants, and company aforesaid, or such greater part of them, so to be assembled, as is aforesaid, in any of their assemblies, to proceed to a new election of one or more of their company in the room or place, rooms or places, of such officer or officers, so dying, or removed, according to their directions. And immediately upon and after such election or elections made of such governor, deputy governor, assistant, or assistants, or any other officer of the said company, in manner and form aforesaid, the authority, office, and power, before given to the former governor, deputy governor, and other officer or officers so removed, in whose stead and place new shall be chosen, shall, as to him and them, and every of them respectively, cease and determine: Provided always, and our will and pleasure is, that as well such as are by these presents appointed to be the present governor, deputy governor, and assistants of the said company, as those which shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before the undertaking the execution of the said offices and places respectively,

give their solemn engagement, by oath, or otherwise, for the due and faithful performance of their duties, in their several offices and places, before such person or persons as are by these presents hereafter appointed, to take and receive the same: that is to say, the said Benedict Arnold, who is herein before nominated and appointed the present governor of the said company, shall give the aforesaid engagement before William Brenton, or any two of the said assistants, of the said company, unto whom we do by these presents give full power and authority to require and receive the same: and the said William Brenton, who is hereby before nominated and appointed the present deputy governor of the said company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the assistants of the said company, unto whom we do, by these presents, give full power and authority to require and receive the same: and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeshall, James Barker, William Field, and Joseph Clarke, who are herein before nominated and appointed the present assistants of the company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them, to whom respectively we do hereby give full power and authority to require, administer, or receive the same: and further, our will and pleasure is, that all and every other future governor, or deputy governor, to be elected and chosen by virtue of these presents, shall give the said engagement before two or more of the said assistants of the said company, for the time being, unto whom we do, by these presents, give full power and authority to require, administer, or receive the same: and the said assistants, and every of them, and all and every other officer or officers, to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements to their offices and places respectively belonging, before the governor or deputy governor, for the time being, unto which said governor, or deputy governor, we do by these presents give full power and authority to require, administer, or receive the same accordingly.

And we do likewise, for us, our heirs and successors, give and grant unto the said governor and company and their successors, by these presents, that for the most peaceably and orderly government of the said plantations, it shall and may be lawful for the governor, deputy governor, assistants, and all other officers and ministers of the said company, in the administration of justice, and exercise of government, and the said plantations, to use, exercise, and put in execution, such methods, orders, rules, and directions, (not being contrary and repugnant to the laws and statutes of this our realm,) as have been heretofore given, used, and accustomed in such cases

respectively, to be put in practice, until at the next, or some other general assembly, especial provision shall be made in the cases aforesaid.

And we do further, for us, our heirs and successors, give and grant unto the said governor and company, and their successors, by these presents, that it shall and may be lawful to and for the said governor, or, in his absence, the deputy governor, and major part of the said assistants for the time being, at any time, when the said general assembly is not sitting, to nominate, appoint, and constitute such and so many commanders, governors, and military officers, as to them shall seem requisite, for the leading, conducting, and training up the inhabitants of the said plantations in martial affairs, and for the defence and safeguard of the said plantations; that it shall and may be lawful to and for all and every such commander, governor, and military officer, that shall be so as aforesaid, or by the governor, or, in his absence, the deputy governor, and six of the assistants, and major part of the freemen of said company, present at any general assemblies, nominated, appointed, and constituted, according to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, marshal, array, and put in warlike posture, the inhabitants of said colony, for their especial defence and safety; and to lead and conduct the said inhabitants, and to encounter, repulse, and resist, by force of arms, as well by sea as by land, to kill, slay, and destroy, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment, or annoyance of the said inhabitants, or plantations; and to use and exercise the law martial, in such cases only as occasion shall necessarily require; and to take and surpirse, by all ways and means whatsoever, all and every such person or persons, with their ship, or ships, armour, ammunition, or other goods of such persons, as shall in hostile manner invade, or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants; and upon just cause to invade and destroy the native Indians, or other enemies, of the said colony.

Nevertheless, our will and pleasure is, and we do hereby declare to the rest of our colonies in New England, that it shall not be lawful for this our said colony of Rhode Island and Providence Plantations, in America, in New England, to invade the natives inhabiting within the bounds and limits of the said colonies, without the knowledge and consent of the said other colonies. And it is hereby declared, that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians, or any other inhabitants, inhabitin within the bounds or limits hereafter mentioned, (they hav

subjected themselves unto us, and being by us taken into our special protection,) without the knowledge and consent of the governor and company of our colony at Rhode Island and Providence Plantations.

Also, our will and pleasure is, and we do hereby declare unto all christian kings, princes, and states, that, if any person, who shall hereafter be of the said company or plantation, or any other, by appointment of the said governor and company, for the time being, shall, at any time or times hereafter, rob or spoil, by sea or land, or do any hurt, or unlawful hostility, to any of the subjects of us, our heirs and successors, or to any of the subjects of any prince or state, being then in league with us, our heirs, and successors, upon complaint of such injury done to any such prince or state, or their subjects, we, our heirs, and successors, will make open proclamation, within any part of our realm of England, fit for that purpose, that the person or persons committing any such robbery or spoil shall, within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince, or others, so complaining, may be fully satisfied and contented; and if the said person or persons, who shall commit any such robbery or spoil, shall not make satisfaction accordingly, within such time so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection; and, that then it shall and may be lawful and free for all princes or others to prosecute with hostility such offenders, and every of them, their and every of their procurers, aiders, abettors, and counsellors, in that behalf.

Provided, also, and our express will and pleasure is, and we do, by these presents, for us, our heirs, and successors, ordain and appoint, that these presents shall not in any manner hinder any of our loving subjects whatsoever from using and exercising the trade of fishing upon the coast of New England in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast; in any of the seas thereunto adjoining, or any arms of the sea, or salt water rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land, belonging to the said colony and plantations, such wharves, stages, and work-houses, as shall be necessary for the salting, drying, and keeping of their fish, to be taken or gotten upon that coast.

And further, for the encouragement of the inhabitants of our said colony of Providence Plantations to set upon the business of taking whales, it shall be lawful for them, or any of them, having struck a whale, dubertus, or other great fish, it or them to pursue unto that coast, or into any bay, river, cove, creek, or shore, belonging thereto, and it or them upon the said coast,

or in the said bay, river, cove, creek, or shore, belonging thereto, to kill and order for the best advantage, without molestation, they making no wilful waste or spoil; any thing in these presents contained, or any other matter or thing, to the contrary notwithstanding.

And further, also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards, (the soil and climate both seeming naturally to concur to the productions of vines,) or be industrious in the discovery of fishing banks, in or about the said colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in cases of a like nature.

And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said governor and company of the English colony of Rhode Island and Providence Plantations, in the Narraganset Bay, in New England, in America, and to every inhabitant there, and to every person and persons trading thither, and to every such person or persons as are or shall be free of the said colony, full power and authority, from time to time, and at all times hereafter, to take, ship, transport, and carry away out of any of our realms and dominions, for and towards the plantation and defence of the said colony, such and so many of our loving subjects and strangers, as shall or will, willingly, accompany them in and to their said colony and plantations, except such person or persons as are or shall be therein restrained by us, our heirs and successors, or any law or statute of this realm: and also to ship and transport all and all manner of goods, chattels, merchandises, and other things whatsoever, that are or shall be useful, or necessary for the said plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs and successors, such duties, customs, and subsidies, as are or ought to be paid or payable for the same.

And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant, unto the said governor and company, and their successors, that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said colony of Providence Plantations, or which shall hereafter go to inhabit within the said colony, and all and every of their children which have been born there, or which shall happen hereafter to be born there, or on the sea going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects, within any of the dominions of us, our heirs and successors, to all intents, constructions and purposes

whatsoever, as if they and every of them were born within the realm of England.

And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted, and confirmed, and, by these presents, for us, our heirs and successors, do give, grant, and confirm unto the said governor and company, and their successors, all that part of our dominions, in New England, in America, containing the Nahantick and Nanhyganset alias Narraganset bay, and countries and parts adjacent, bounded on the west or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck alias Pawcawtuck river; and so, along the said river, as the greater or middle stream thereof stretches or lies up into the north country, northward unto the head thereof, and from thence, by a straight line drawn due north, until it meet with the south line of the Massachusetts colony; and on the north or northerly by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east or eastwardly three English miles, to the east and north-east of the most eastern and north-eastern parts of the aforesaid Narraganset bay, as the said bay lieth or extendeth itself from the ocean on the south or southwardly, unto the mouth of the river which runneth towards the town of Providence; and from thence along the eastwardly side or bank of the said river (higher called by the name of Seacunck,) up to the falls called Patucket Falls, being the most westwardly line of Plymouth colony; and so, from the said falls, in a straight line, due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean, and in particular the lands belonging to the town of Providence, Patuxit, Warwick, Misquammacock, alias Pawcatuck, and the rest upon the main land, in the tract aforesaid, together with Rhode Island, Block Island, and all the rest of the islands and banks in Narraganset bay, and bordering upon the coast of the tract aforesaid, (Fisher's Island only excepted,) together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, pre-eminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, to them or any of them belonging, or in any wise appertaining: to have and to hold the same, unto the said governor and company, and their successors for ever, upon trust, for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns;—to be holden of us, our heirs and successors, as of the manor of East Greenwich, in our county of Kent, in free and common soccage, and not in capite, nor by knight's service;—yielding and paying therefore to us, our

heirs, and successors, only the fifth part of all the ore of gold and silver which, from time to time, and at all times hereafter, shall be there gotten, had, or obtained, in lieu and satisfaction of all services, duties, fines, forfeitures, made or to be made, claims, or demands, whatsoever, to be to us, our heirs, or successors, therefore or thereabout rendered, made, or paid; any grant or clause in a late grant to the governor and company of Connecticut colony, in America, to the contrary thereof in any wise notwithstanding; the aforesaid Pawcatuck river having been yielded, after much debate, for the fixed and certain bounds between these our said colonies, by the agents thereof, who have also agreed, that the said Pawcatuck river shall also be called alias Narrogancett or Narragansett river, and to prevent future disputes that otherwise might arise thereby, for ever hereafter shall be construed, deemed, and taken to be the Narragansett river, in our late grant to Connecticut colony, mentioned as the easterly bounds of that colony.

And further, our will and pleasure is, that in all matters of public controversies, which may fall out between our colony of Providence Plantations, to make their appeal therein to us, our heirs and successors, for redress in such cases, within this our realm of England; and that it shall be lawful to and for the inhabitants of the said colony of Providence Plantations, without let or molestation, to pass and repass with freedom into and through the rest of the English colonies, upon their lawful and civil occasions, and to converse and hold commerce and trade with such of the inhabitants of our other English colonies, as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence in any of the said colonies, provided, or that shall be provided, to the contrary in any wise notwithstanding.

And lastly, we do, for us, our heirs and successors, ordain and grant unto the said governor and company, and their successors, by these presents, that these our letters patent shall be firm, good, effectual, and available, in all things in the law, to all intents, constructions, and purposes whatsoever, according to our true intent and meaning herein before declared, and shall be construed, reputed, and adjudged, in all cases most favourable on the behalf, and for the best benefit and behoof of the said governor and company, and their successors, although express mention, &c. In witness, &c.

Witness, &c. *Per Ipsum Regum.*

[The state of Rhode Island and Providence Plantations has not assumed a form of government different from that contained in the foregoing charter. For in that, the king ceded to the governor and company all powers, legislative, executive, and judicial, reserving to himself, as an acknowledgment of his sovereignty, a render of the fifth part of the gold and silver ore

that should be found within the territory. The governor, chief magistrates, and legislators, are chosen by the freemen, as usual, and all judicial and executive officers are annually elected by the governor and company, or upper and lower house of assembly. All processes, original and judicial, formerly issued in the king's name, but they now issue in the name of the governor and company. The oaths of allegiance and of office are made conformable to the principles of the revolution. The governor, in his legislative capacity, cannot give a negative to any act of the two houses; but, in common with the other magistrates, has one voice only.

The state is divided into five counties, in each of which there is a court of common pleas and general sessions of the peace, held twice every year, for the trial of all causes not capital, that arise within their limits; from which an appeal lies to the superior court of judicature, court of assize and general gaol delivery, whose jurisdiction extends over the whole state, and who also sit twice a year in each county. The constitution admits not of religious establishments, any further than depends upon the voluntary choice of individuals. All men professing a belief in one Supreme Being, are equally protected by the laws; and no particular sect can claim pre-eminence.]



CONSTITUTION OF CONNECTICUT.

PREAMBLE.

The people of Connecticut, acknowledging, with gratitude, the good providence of God, in having permitted them to enjoy a free government, do, in order more effectually to define, secure, and perpetuate the liberties, rights, and privileges which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following constitution and form of civil government.

ARTICLE 1.

Declaration of Rights.

That the great and essential principles of liberty and free government may be recognized and established, we declare:

§ 1. That all men, when they form a social compact, are equal in rights; and that no man, or set of men, are entitled to exclusive public emoluments or privileges from the com-

§ 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

§ 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall for ever be free to all persons in this state, provided that the right hereby declared and established shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

§ 4. No preference shall be given by law to any christian sect or mode of worship.

§ 5. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

§ 6. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

§ 7. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

§ 8. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches, or seizures: and no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

§ 9. In all criminal prosecutions, the accused shall have a right to be heard, by himself and by counsel; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his favour; and in all prosecutions by indictment or information, a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by due course of law. And no person shall be holden to answer for any crime, the punishment of which may be death or imprisonment for life, unless on a presentment or an indictment of a grand jury; except in the land or naval forces, or in the militia, when in actual service, in time of war or public danger.

§ 10. No person shall be arrested, detained, or punished, except in cases clearly warranted by law.

§ 11. The property of no person shall be taken for public use, without just compensation therefor.

§ 12. All courts shall be open, and every person, for an injury done him, in his person, property, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

§ 13. Excessive bail shall not be required, nor excessive fines imposed.

§ 14. All prisoners shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident, or the presumption great; and the privileges of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it; nor in any case, but by the legislature.

§ 15. No person shall be attainted of treason or felony by the legislature.

§ 16. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

§ 17. Every citizen has a right to bear arms in defence of himself and the state

§ 18. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

§ 19. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

§ 20. No hereditary emoluments, privileges, or honours, shall ever be granted or conferred in this state.

§ 21. The right of trial by jury shall remain inviolate.

ARTICLE 2.

Of the Distribution of Powers.

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit:—those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

ARTICLE 3.

Of the Legislative Department.

§ 1. The legislative power of this state shall be vested in two distinct houses or branches; the one to be styled the senate, the other the house of representatives, and both together the general assembly. The style of their laws shall be: *Be it enacted by the senate and house of representatives in general assembly convened.*

§ 2. There shall be one stated session of the general assembly, to be holden each year, alternately at Hartford and New Haven, on the first Wednesday of May, and at such other times as the general assembly shall judge necessary; the first session to be holden at Hartford; but the person administering the office of governor, may, on special emergencies, convene the general assembly at either of said places, at any other time.

And in case of danger from the prevalence of contagious diseases in either of said places, or other circumstances, the person administering the office of governor, may, by proclamation, convene said assembly at any other place in this state.

§ 3. The house of representatives shall consist of electors residing in towns from which they are elected. The number of representatives from each town shall be the same as at present practised and allowed. In case a new town shall hereafter be incorporated, such new town shall be entitled to one representative only. and if such new town shall be made from one or more towns, the town or towns from which the same shall be made, shall be entitled to the same number of representatives as at present allowed, unless the number shall be reduced by the consent of such town or towns.

§ 4. The senate shall consist of twelve members, to be chosen annually by the electors.

§ 5. At the meetings of the electors, held in the several towns in this state, in April annually, after the election of representatives, the electors present shall be called upon to bring in their written ballots for senators. The presiding officer shall receive the votes of the electors, and count and declare them in open meeting. The presiding officer shall also make duplicate lists of the persons voted for, and of the number of votes for each, which shall be certified by the presiding officer; one of which lists shall be delivered to the town clerk, and the other, within ten days after said meeting, shall be delivered, under seal, either to the secretary or to the sheriff of the county in which said town is situated; which list shall be directed to the secretary, with a superscription expressing the purport of the contents thereof. And each sheriff who shall receive such votes shall, within fifteen days after said meeting, deliver, or cause them to be delivered, to the secretary.

§ 6. The treasurer, secretary, and comptroller, for the time being, shall canvass the votes publicly. The twelve persons having the greatest number of votes for senators shall be declared to be elected. But, in cases where no choice is made by the electors, in consequence of an equality of votes, the house of representatives shall designate, by ballot, which of the candidates having such equal number of votes shall be declared to be elected. The return of votes, and the result of the canvass, shall be submitted to the house of representatives, and also to the senate, on the first day of the session of the general assembly, and each house shall be the final judge of the election returns and qualifications of its own members.

§ 7. The house of representatives, when assembled, shall choose a speaker, clerk, and other officers. The senate shall choose its clerk, and other officers, except the president. A majority of each house shall constitute a quorum to do busi-

ness; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner, and under such penalties, as each house may prescribe.

§ 8. Each house shall determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

§ 9. Each house shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members, except such parts as, in the judgment of a majority, require secrecy. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journals.

§ 10. The senators and representatives shall, in all cases of civil process, be privileged from arrest during the session of the general assembly, and for four days before the commencement and after the termination of any session thereof. And for any speech or debate in either house, they shall not be questioned in any other place.

§ 11. The debates of each house shall be public, except on such occasions as in the opinion of the house may require secrecy.

ARTICLE 4.

Of the Executive Department.

§ 1. The supreme executive power of the state shall be vested in a governor, who shall be chosen by the electors of the state, and shall hold his office for one year from the first Wednesday of May next succeeding his election, and until his successor be duly qualified. No person who is not an elector of this state, and who has not arrived at the age of thirty years, shall be eligible.

§ 2. At the meetings of the electors, in the respective towns, in the month of April in each year, immediately after the election of senators, the presiding officers shall call upon the electors to bring in their ballots for him whom they would elect to be governor, with his name fairly written. When such ballots shall have been received and counted, in the presence of the electors, duplicate lists of the persons voted for, and of the number of votes given for each, shall be made and certified by the presiding officer, one of which lists shall be deposited in the office of the town clerk, within three days, and the other, within ten days after said election, shall be transmitted to the secretary, or to the sheriff of the county in which such election shall have been held. The sheriff receiving said votes shall deliver, or cause them to be delivered, to the secretary, within fifteen days next after said election. The votes so returned

shall be counted by the treasurer, secretary, and comptroller, within the month of April: A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be, by the treasurer, secretary, and comptroller, made and laid before the general assembly then next to be holden, on the first day of the session thereof; and said assembly shall, after examination of the same, declare the person whom they shall find to be legally chosen, and give him notice accordingly. If no person shall have a majority of the whole number of said votes, or if two or more shall have an equal and the greatest number of said votes, then said assembly, on the second day of their session, by joint ballot of both houses, shall proceed, without debate, to choose a governor from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes so returned as aforesaid. The general assembly shall by law prescribe the manner in which all questions concerning the election of a governor or lieutenant governor shall be determined.

§ 3. At the annual meetings of the electors, immediately after the election of governor, there shall also be chosen, in the same manner as is herein before provided for the election of governor, a lieutenant governor, who shall continue in office for the same time, and possess the same qualifications.

§ 4. The compensations of the governor, lieutenant governor, senators, and representatives, shall be established by law, and shall not be varied so as to take effect until after an election which shall next succeed the passage of the law establishing said compensations.

§ 5. The governor shall be captain general of the militia of the state, except when called into the service of the United States.

§ 6. He may require information, in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

§ 7. The governor, in case of a disagreement between the two houses of the general assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

§ 8. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

§ 9. He shall take care that the laws be faithfully executed.

§ 10. The governor shall have power to grant reprieves, after conviction, in all cases except those of impeachment, until the end of the next session of the general assembly, and no longer.

§ 11. All commissions shall be in the name and by authority

of the state of Connecticut; shall be sealed with the state seal, signed by the governor, and attested by the secretary.

§ 12. Every bill which shall have passed both houses of the general assembly, shall be presented to the governor. If he approves, he shall sign and transmit it to the secretary; but if not, he shall return it to the house in which it originated, with his objections, which shall be entered on the journals of the house; who shall proceed to reconsider the bill. If, after such reconsideration, that house shall again pass it, it shall be sent, with the objections, to the other house, which shall also reconsider it. If approved, it shall become a law. But, in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If the bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the general assembly, by their adjournment, prevents its return, in which case it shall not be a law.

§ 13. The lieutenant governor shall, by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate, and, when the senate is equally divided, to give the casting vote.

§ 14. In case of the death, resignation, refusal to serve, or removal from office of the governor, or of his impeachment, or absence from the state, the lieutenant governor shall exercise the powers and authority appertaining to the office of governor, until another be chosen at the next periodical election for governor, and be duly qualified; or until the governor impeached or absent shall be acquitted or return.

§ 15. When the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their members as president pro tempore. And if, during the vacancy of the office of governor, the lieutenant governor shall die, resign, refuse to serve, or be removed from office, or if he shall be impeached, or absent from the state, the president of the senate pro tempore shall, in like manner, administer the government until he be superseded by a governor or lieutenant governor.

§ 16. If the lieutenant governor shall be required to administer the government, and shall, while in such administration, die or resign during the recess of the general assembly, it shall be the duty of the secretary, for the time being, to convene the senate for the purpose of choosing a president pro tempore.

§ 17. A treasurer shall annually be chosen by the electors at their meeting in April; and the votes shall be returned, counted, canvassed, and declared, in the same manner as is

provided for the election of governor and lieutenant governor: but the votes for treasurer shall be canvassed by the secretary and comptroller only. He shall receive all moneys belonging to the state, and disburse the same only as he may be directed by law. He shall pay no warrant or order for the disbursement of public money, until the same has been registered in the office of the comptroller.

§ 18. A secretary shall be chosen next after the treasurer, and in the same manner; and the votes for secretary shall be returned to, and counted, canvassed, and declared by, the treasurer and comptroller. He shall have the safe keeping and custody of the public records and documents, and particularly of the acts, resolutions, and orders of the general assembly, and record the same; and perform all such duties as shall be prescribed by law. He shall be the keeper of the seal of the state, which shall not be altered.

§ 19. A comptroller of the public accounts shall be annually appointed by the general assembly. He shall adjust and settle all public accounts and demands, except grants and orders of the general assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall *ex officio*, be one of the auditors of the accounts of the treasurer. The general assembly may assign to him other duties in relation to his office, and to that of the treasurer, and shall prescribe the manner in which his duties shall be performed.

§ 20. A sheriff shall be appointed in each county, by the general assembly, who shall hold his office for three years, removable by said assembly, and shall become bound, with sufficient sureties, to the treasurer of the state for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law: in case the sheriff of any county shall die or resign, the governor may fill the vacancy occasioned thereby, until the same shall be filled by the general assembly.

§ 21. A statement of all receipts, payments, funds, and debts of the state, shall be published, from time to time, in such manner, and at such periods, as shall be prescribed by law.

ARTICLE 5.

Of the Judicial Department.

§ 1. The judicial power of the state shall be vested in a supreme court of errors, a superior court, and such inferior courts as the general assembly shall from time to time, ordain and establish; the powers and jurisdiction of which courts shall be defined by law.

§ 2. There shall be appointed in each county a sufficient number of justices of the peace, with such jurisdiction in civil and criminal cases as the general assembly may prescribe.

§ 3. The judges of the supreme court of errors, of the su-

perior and inferior courts, and all justices of the peace shall be appointed by the general assembly, in such manner as shall by law be prescribed. The judges of the supreme court, and of the superior court, shall hold their offices during good behaviour; but may be removed by impeachment; and the governor shall also remove them on the address of two-thirds of the members of each house of the general assembly; all other judges and justices of the peace shall be appointed annually. No judge or justice of the peace shall be capable of holding his office after he shall arrive at the age of seventy years.

ARTICLE 6.

Of the qualifications of Electors.

§ 1. All persons who have been, or shall hereafter, previous to the ratification of this constitution, be admitted freemen, according to the existing laws of this state, shall be electors.

§ 2. Every white male citizen of the United States, who shall have gained a settlement in this state, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding, and have a freehold estate of the yearly value of seven dollars, in this state; or having been enrolled in the militia, shall have performed military duty therein, for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been, by authority of law, excused therefrom; or shall have paid a state tax within the year next preceding the time he shall present himself for such admission, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

§ 3. The privileges of an elector shall be forfeited, by a conviction of bribery, forgery, perjury, duelling, fraudulent bankruptcy, theft, or other offence, for which an infamous punishment is inflicted.

§ 4. Every elector shall be eligible to any office in this state, except in cases provided for in this constitution.

§ 5. The selectmen and town clerk of the several towns shall decide on the qualifications of electors, at such times, and in such manner, as may be prescribed by law.

§ 6. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

§ 7. In all elections of officers of the state, or members of the general assembly, the votes of the electors shall be by ballot.

§ 8. At all elections of officers of the state, or members of

the general assembly, the electors shall be privileged from arrest during their attendance upon, and going to and returning from, the same, on any civil process.

§ 9. The meetings of the electors for the election of the several state officers, by law annually to be elected, and members of the general assembly of this state, shall be holden on the first Monday of April in each year.

ARTICLE 7.

Of Religion.

§ 1. It being the duty of all men to worship the Supreme Being, the great Creator and Preserver of the Universe, and their right to render that worship in the mode most consistent with the dictates of their consciences: no person shall, by law, be compelled to join or support, nor be classed with, or associated to, any congregation, church, or religious association. But every person now belonging to such congregation, church, or religious association, shall remain a member thereof, until he shall have separated himself therefrom, in the manner hereinafter provided. And each and every society or denomination of Christians in this state, shall have and enjoy the same and equal powers, rights, and privileges; and shall have power and authority to support and maintain the ministers or teachers of their respective denominations, and to build and repair houses for public worship, by a tax on the members of any such society only, to be laid by a major vote of the legal voters assembled at any society meeting, warned and held according to law, or in any other manner.

§ 2. If any person shall choose to separate himself from the society or denomination of Christians to which he may belong, and shall leave a written notice thereof with the clerk of such society, he shall thereupon be no longer liable for any future expenses which may be incurred by said society.

ARTICLE 8.

Of Education.

§ 1. The charter of Yale college, as modified by agreement with the corporation thereof, in pursuance of an act of the general assembly, passed in May, 1792, is hereby confirmed.

§ 2. The fund, called the *School Fund*, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public or common schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall, as soon as practicable, be ascertained in such manner as the general assembly may prescribe, published, and

recorded in the comptroller's office; and no law shall ever be made authorizing said fund to be diverted to any other use than the encouragement and support of public or common schools, among the several school societies, as justice and equity shall require.

ARTICLE 9.

Of Impeachments.

§ 1. The house of representatives shall have the sole power of impeaching.

§ 2. All impeachments shall be tried by the senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present. When the governor is impeached, the chief justice shall preside.

§ 3. The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under this state. The party convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment, according to law.

§ 4. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder shall work corruption of blood or forfeiture.

ARTICLE 10.

General Provisions.

§ 1. Members of the general assembly, and all officers, executive, and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit:

You do solemnly swear, (or affirm, as the case may be,) that you will support the constitution of the United States, and the constitution of the state of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office of ——————— to the best of your abilities. *So help you God.*

§ 2. Each town shall annually elect selectmen, and such officers of local police, as the laws may prescribe.

§ 3. The rights and duties of all corporations shall remain as if this constitution had not been adopted; with the exception of such regulations and restrictions as are contained in this

constitution. All judicial and civil officers now in office, who have been appointed by the general assembly, and commissioned according to law, and all such officers as shall be appointed by the said assembly, and commissioned as aforesaid, before the first Wednesday of May next, shall continue to hold their offices until the first day of June next, unless they shall, before that time, resign or be removed from office according to law. The treasurer and secretary shall continue in office until a treasurer and secretary shall be appointed under this constitution. All military officers shall continue to hold and exercise their respective offices, until they shall resign, or be removed according to law. All laws not contrary to, or inconsistent with, the provisions of this constitution, shall remain in force until they shall expire by their own limitation, or shall be altered or repealed by the general assembly, in pursuance of this constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate, or the state, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. The governor, lieutenant-governor, and general assembly, which is to be formed in October next, shall have, and possess, all the powers and authorities not repugnant to, or inconsistent with, this constitution, which they now have and possess, until the first Wednesday of May next.

§ 4. No judge of the superior court, or of the supreme court of errors; no member of congress; no person holding any office under the authority of the United States; no person holding the office of treasurer, secretary, or comptroller; no sheriff or sheriff's deputy; shall be a member of the general assembly.

ARTICLE 11.

Of Amendments of the Constitution.

Whenever a majority of the house of representatives shall deem it necessary to alter or amend this constitution, they may propose such alterations and amendments; which proposed amendments shall be continued to the next general assembly, and be published with the laws which may have been passed at the same session; and if two-thirds of each house, at the next session of said assembly, shall approve the amendments proposed, by yeas and nays, said amendments shall, by the secretary, be transmitted to the town clerk in each town in this state; whose duty it shall be to present the same to the inhabitants thereof, for their consideration, at a town-meeting, legally warned and held for that purpose; and if it shall appear, in a manner to be provided by law, that a majority of the electors present at such meetings shall have approved such

amendments, the same shall be valid, to all intents and purposes, as a part of this constitution.

Done in convention, on the fifteenth day of September, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.

By order of the convention.

OLIVER WOLCOTT, *President.*

JAMES LANMAN, ROBERT FAIRCHILD, } *Clerks.*



CONSTITUTION OF NEW YORK,

AS AMENDED.

WE, the people of the state of New York, acknowledging with gratitude the grace and beneficence of God, in permitting us to make choice of our form of government, do establish this constitution.

ARTICLE 1.

§ 1. The legislative power of this state shall be vested in a senate and an assembly.

2. The senate shall consist of thirty-two members. The senators shall be chosen for four years, and shall be freeholders. The assembly shall consist of one hundred and twenty-eight members, who shall be annually elected

3. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the qualifications of its own members. Each house shall choose its own officers, and the senate shall choose a temporary president, when the lieutenant governor shall not attend as president, or shall act as governor.

4. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

5. The state shall be divided into eight districts, to be called senate districts, each of which shall choose four senators.

The first district shall consist of the counties of Suffolk, Queens, Kings, Richmond, and New-York.

The second district shall consist of the counties of West-

chester, Putnam, Duchess, Rockland, Orange, Ulster, and Sullivan.

The third district shall consist of the counties of Green, Columbia, Albany, Rensselaer, Schoharie, and Schenectady.

The fourth district shall consist of the counties of Saratoga, Montgomery, Hamilton, Washington, Warren, Clinton, Essex, Franklin, and St. Lawrence.

The fifth district shall consist of the counties of Herkimer, Oneida, Madison, Oswego, Lewis, and Jefferson.

The sixth district shall consist of the counties of Delaware, Otsego, Chenango, Broome, Cortland, Tomkins, and Tioga.

The seventh district shall consist of the counties of Onondago, Cayuga, Seneca, and Ontario.

The eighth district shall consist of the counties of Steuben, Livingston, Monroe, Genesee, Niagara, Erie, Allegany, Cattaraugus, and Chautauque.

And as soon as the senate shall meet, after the first election to be held in pursuance of this constitution, they shall cause the senators to be divided by lot, into four classes, of eight in each, so that every district shall have one senator of each class: the classes to be numbered, one, two, three, and four. And the seats of the first class shall be vacated at the end of the first year; of the second class, at the end of the second year; of the third class, at the end of the third year; of the fourth class, at the end of the fourth year; in order that one senator be annually elected in each senate district.

6. An enumeration of the inhabitants of the state shall be taken, under the direction of the legislature, in the year one thousand eight hundred and twenty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, paupers, and persons of colour not taxed; and shall remain unaltered, until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senate district.

7. The members of the assembly shall be chosen by counties, and shall be apportioned among the several counties of the state, as nearly as may be, according to the numbers of their respective inhabitants, excluding aliens, paupers, and persons of colour, not taxed. An apportionment of members of assembly shall be made by the legislature, at its first session after the return of every enumeration; and, when made, shall remain unaltered until another enumeration shall have been taken. But an apportionment of members of the assembly shall be made by the present legislature according to the last enumeration, taken under the authority of the United States,

as nearly as may be. Every county heretofore established, and separately organized, shall always be entitled to one member of the assembly, and no new county shall hereafter be erected, unless its population shall entitle it to a member.

8. Any bill may originate in either house of the legislature; and all bills passed by one house, may be amended by the other.

9. The members of the legislature shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury; but no increase of the compensation, shall take effect during the year in which it shall have been made. And no law shall be passed increasing the compensation of the members of the legislature, beyond the sum of the three dollars a day.

10. No member of the legislature shall receive any civil appointment from the governor and senate, or from the legislature during the term for which he shall have been elected.

11. No person being a member of congress, or holding any judicial or military office under the United States, shall hold a seat in the legislature. And if any person shall, while a member of the legislature, be elected to congress, or appointed to any office, civil or military, under the United States, his acceptance thereof, shall vacate his seat.

12. Every bill which shall have passed the senate and assembly, shall, before it become a law, be presented to the governor: if he approve, he shall sign it, but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it: if, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present, it shall become a law; but in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons, voting for and against the bill shall be entered on the journals of each house respectively: if any bill shall not be returned by the governor, within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature shall, by their adjournment prevent its return; in which case it shall not be a law.

13. All officers holding their offices during good behaviour, may be removed by joint resolution of the two houses of the legislature, if two-thirds of all the members elected to the assembly, and a majority of all the members elected to the senate, concur therein.

14. The political year shall begin on the first day of January; and the legislature shall every year assemble on the

first Tuesday in January, unless a different day shall be appointed by law.

15. The next election for governor, lieutenant governor, senators, and members of assembly, shall commence on the first Monday of November, one thousand eight hundred and twenty-two; and all subsequent elections shall be held at such time, in the month of October, or November as the legislature shall by law provide.

16. The governor, lieutenant governor, senators, and members of assembly, first elected, under this constitution, shall enter on the duties of their respective offices, on the first day of January, one thousand eight hundred and twenty-three; and the governor, lieutenant governor, senators, and members of assembly, now in office, shall continue to hold the same, until the first day of January, one thousand eight hundred and twenty-three, and no longer.

ARTICLE 2.

1. Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this state, one year preceding any election, and for the last six months a resident of the town or county where he may offer his vote; and shall have, within the year next preceding the election, paid a tax to the state or county, assessed upon his real or personal property; or shall by law be exempted from taxation; or being armed and equipped according to law, shall have performed within that year, military duty in the militia of this state; or who shall be exempted from performing militia duty in consequence of being a fireman in any city, town, or village in this state: And also, every male citizen of the age of twenty-one years, who shall have been, for three years next preceding such elections an inhabitant of this state; and for the last year, a resident in the town or county, where he may offer his vote; and shall have been, within the last year assessed to labour upon the public highways, and shall have performed the labour, or paid an equivalent therefor, according to law; shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people: but no man of colour, unless he shall have been for three years a citizen of this state, and for one year next preceding any election, shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon; and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at such election. And no person of colour shall be subject to direct taxation, unless he shall be seized and possessed of such real estate as aforesaid.

2. Laws may be passed, excluding from the right of suffrage,

persons who have been, or may be, convicted of infamous crimes.

3. Laws shall be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage, hereby established.

4. All elections by the citizens shall be by ballot, except for such town officers, as may by law be directed to be otherwise chosen.

ARTICLE 3.

§ 1. The executive power shall be vested in a governor. He shall hold his office for two years; and a lieutenant-governor shall be chosen at the same time, and for the same term.

2. No person, except a native citizen of the United States, shall be eligible to the office of governor, nor shall any person be eligible to that office, who shall not be a freeholder, and shall not have attained the age of thirty years, and have been five years a resident within the state; unless he shall have been absent during that time, on public business of the United States, or of this state.

3. The governor and lieutenant-governor shall be elected at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor, and lieutenant-governor, shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant governor, the two houses of the legislature shall, by joint ballot, choose one of the said persons, so having an equal and the highest number of votes, for governor or lieutenant governor.

4. The governor shall be general and commander-in-chief of all the militia, and admiral of the navy of the state. He shall have power to convene the legislature, (or the senate only,) on extraordinary occasions. He shall communicate, by message to the legislature at every session, the condition of the state; and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished, during the term for which he shall have been elected.

5. The governor shall have power to grant reprieves and pardons after conviction, for all offences, except treason and cases of impeachment. Upon convictions for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the legislature at its next meeting; when the legislature shall either pardon, or direct the execution of the criminal, or grant a farther reprieve.

6. In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor, for the residue of the term, or until the governor absent or impeached, shall return or be acquitted. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force thereof, he shall still continue commander-in-chief of all the military force of the state.

7. The lieutenant governor shall be president of the senate but shall have only a casting vote therein. If, during a vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall act as governor, until the vacancy shall be filled, or the disability shall cease.

ARTICLE 4.

§ 1. Militia officers shall be chosen, or appointed, as follows: Captains, subalterns, and non-commissioned officers, shall be chosen by the written votes of the members of their respective companies. Field officers of regiments, and separate battalions, by the written votes of the commissioned officers of the respective regiments, and separate battalions. Brigadier generals, by the field officers of their respective brigades. Major generals, brigadier generals, and commanding officers of regiments or separate battalions, shall appoint the staff officers to their respective divisions, brigades, regiments, or separate battalions.

2. The governor shall nominate, and, with the consent of the senate, appoint, all major generals, brigade inspectors, and chiefs in the staff departments, except the adjutants general and commissary general. The adjutant general shall be appointed by the governor.

3. The legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the governor.

4. The commissioned officers of the militia shall be commissioned by the governor; and no commissioned officer shall be removed from office, unless by the senate, on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court martial, pursuant to law. The present officers of the militia shall hold their commissions, subject to removal, as before provided.

5. In case the mode of election and appointment of militia officers hereby directed, shall not be found conducive to the improvement of the militia, the legislature may abolish the same, and provide by law for their appointment and removal,

if two-thirds of the members present in each house, shall concur therein.

6. The secretary of state, comptroller, treasurer, attorney general, surveyor general, and commissary general, shall be appointed as follows: The senate and assembly shall each openly nominate one person for the said offices respectively: after which, they shall meet together, and if they shall agree in their nominations, the person so nominated shall be appointed to the office for which he shall be nominated. If they shall disagree, the appointment shall be made by the joint ballot of the senators and members of assembly. The treasurer shall be chosen annually. The secretary of state, comptroller, attorney general, surveyor general, and commissary general, shall hold their offices for three years, unless sooner removed by concurrent resolution of the senate and assembly.

7. The governor shall nominate, by message, in writing, and, with the consent of the senate, shall appoint all judicial officers, except justices of the peace, who shall be appointed in manner following, that is to say: The board of supervisors in every county in this state, shall, at such times as the legislature may direct, meet together: and they, or a majority of them so assembled, shall nominate so many persons as shall be equal to the number of justices of the peace, to be appointed in the several towns in the respective counties. And the judges of the respective county courts, or a majority of them, shall also meet and nominate a like number of persons: and it shall be the duty of the said board of supervisors, and judges of county courts, to compare such nominations, at such time and place, as the legislature may direct; and if, on such comparison, the said boards of supervisors and judges of county courts, shall agree in their nominations, in all or in part, they shall file a certificate of the nominations in which they shall agree, in the office of the clerk of the county: and the person or persons named in such certificates, shall be justices of the peace; and in case of disagreement in whole, or in part, it shall be the farther duty of the said boards of supervisors and judges, respectively, to transmit their said nominations, so far as they disagree in the same, to the governor, who shall select from the said nominations, and appoint so many justices of the peace, as shall be requisite to fill the vacancies. Every person appointed a justice of the peace, shall hold his office for four years, unless removed by the county court, for causes particularly assigned by the judges of the said court. And no justice of the peace shall be removed, until he shall have notice of the charges made against him, and an opportunity of being heard in his defence.

8. Sheriffs, and clerks of counties, including the register, and clerks of the city and county of New York, shall be chosen by the electors of the respective counties, once in every three

years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time, and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. And the governor may remove any such sheriff, clerk, or register, at any time within the three years for which he shall be elected, giving to such sheriff, clerk, or register a copy of the charge against him, and an opportunity of being heard in his defence, before any removal shall be made.

9. The clerks of courts, except those clerks whose appointment is provided for in the preceding section, shall be appointed by the courts of which they respectively are clerks; and district attorneys, by the county courts. Clerks of courts, and district attorneys, shall hold their offices for three years, unless sooner removed by the courts appointing them.

10. The mayors of all the cities in this state shall be appointed annually by the common councils of their respective cities.

11. So many coroners as the legislature may direct, not exceeding four in each county, shall be elected in the same manner as sheriffs, and shall hold their offices for the same term, and be removable in like manner.

12. The governor shall nominate, and, with the consent of the senate, appoint masters and examiners in chancery; who shall hold their offices for three years, unless sooner removed by the senate, on the recommendation of the governor. The registers, and assistant registers, shall be appointed by the chancellor, and hold their offices during his pleasure.

13. The clerk of the court of oyer and terminer, and general sessions of the peace, in and for the city and county of New York, shall be appointed by the court of general sessions of the peace in said city, and hold his office during the pleasure of said court; and such clerks and other officers of courts, whose appointment is not herein provided for, shall be appointed by the several courts; or by the governor, with the consent of the senate, as may be directed by law.

14. The special justices, and the assistant justices, and their clerks, in the city of New York, shall be appointed by the common council of the said city; and shall hold their offices for the same term that the justices of the peace, in the other counties of this state, hold their offices, and shall be removable in like manner.

15. All officers heretofore elective by the people shall continue to be elected; and all other officers, whose appoint-

ment is not provided for by this constitution, and all officers, whose offices may be hereafter created by law, shall be elected by the people, or appointed, as may by law be directed.

16. Where the duration of any office is not prescribed by this constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

ARTICLE 5.

§ 1. The court for the trial of impeachments, and the correction of errors, shall consist of the president of the senate, the senators, the chancellors, and the justices of the supreme court, or the major part of them. but when an impeachment shall be prosecuted against the chancellor, or any justice of the supreme court, the person so impeached shall be suspended from exercising his office, until his acquittal: and when an appeal from a decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree, but shall have no voice in the final sentence; and when a writ of error shall be brought, on a judgment of the supreme court, the justices of that court shall assign the reasons for their judgment, but shall not have a voice for its affirmance or reversal.

2. The assembly shall have the power of impeaching all civil officers of this state for male and corrupt conduct in office, and high crimes and misdemeanors. but a majority of all the members elected shall concur in an impeachment. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try and determine the charge in question, according to evidence: and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than the removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under this state; but the party convicted shall be liable to indictment and punishment, according to law.

3. The chancellor, and justices of the supreme court, shall hold their offices during good behaviour, or until they shall attain the age of sixty years.

4. The supreme court shall consist of a chief justice and two justices, any of whom may hold the court.

5. The state shall be divided, by law, into a convenient number of circuits, not less than four, nor exceeding eight, subject to alteration, by the legislature, from time to time, as the public good may require; for each of which a circuit judge shall be appointed, in the same manner, and hold his office by the same tenure, as the justices of the supreme court; and who shall possess the powers of a justice of the supreme court at chambers, and in the trial of issues joined in the

supreme court, and in courts of oyer and terminer and jail delivery. And such equity powers may be vested in the said circuit judges, or in the county courts, or in such other subordinate courts as the legislature may by law direct, subject to the appellate jurisdiction of the chancellor.

6. Judges of the county courts, and recorders of cities, shall hold their office for five years, but may be removed by the senate, on the recommendation of the governor, for causes to be stated in such recommendation.

7. Neither the chancellor, nor justices of the supreme court, nor any circuit judge, shall hold any other office or public trust. All votes for any elective office, given by the legislature or the people, for the chancellor, or a justice of the supreme court, or circuit judge, during his continuance in his judicial office, shall be void.

ARTICLE 6.

§ 1. Members of the legislature, and all officers, executive and judicial, except such inferior officers, as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of —— according to the best of my ability.

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

ARTICLE 7.

§ 1. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers.

2. The trial by jury, in all cases in which it has been heretofore used, shall remain inviolate for ever; and no new court shall be instituted, but such as shall proceed according to the course of the common law; except such courts of equity as the legislature is herein authorized to establish.

3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed in this state, to all mankind; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

4. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duties of

their functions: therefore, no minister of the gospel, or priest of any denomination whatsoever, shall at any time hereafter, under any pretence or description whatever, be eligible to, or capable of holding any civil or military office or place within this state.

5. The militia of this state shall, at all times hereafter, be armed and disciplined, and in readiness for service: but all such inhabitants of this state, of any religious denomination whatever, as from scruples of conscience may be averse to bearing arms, shall be excused therefrom, by paying to the state an equivalent in money; and the legislature shall provide by law for the collection of such equivalent, to be estimated according to the expense in time and money, of an ordinary able bodied militia man.

6. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

7. No person shall be held to answer for a capital, or other infamous crime, [except in cases of impeachment, and in cases of the militia when in actual service: and the land and naval forces in time of war, or which this state may keep, with the consent of the congress, in time of peace, and in cases of petit larceny, under the regulation of the legislature;] unless on presentment, or indictment of a grand jury; and in every trial on impeachment or indictment, the party accused shall be allowed council as in civil actions. No person shall be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law: nor shall private property be taken for public use, without just compensation.

8. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions, or indictments for libels, the truth may be given in evidence to the jury: and if it shall appear to the jury, that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

9. The assent of two-thirds of the members elected to each branch of the legislature, shall be requisite to every bill appropriating the public moneys or property, for local or private purposes, or creating, continuing, altering, or renewing, any body politic or corporate.

10. The proceeds of all lands belonging to this state, except such parts thereof as may be reserved or appropriated to public use, or ceded to the United States, which shall here-

after be sold or disposed of, together with the fund denominated the common school fund shall be and remain a perpetual fund, the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this state. Rates of toll, not less than those agreed to by the canal commissioners, and set forth in their report to the legislature of the twelfth of March, one thousand eight hundred and twenty-one, shall be imposed on, and collected from, all parts of the navigable communication between the great western and northern lakes and the Atlantic ocean, which now are, or hereafter shall be, made and completed; and the said tolls, together with the duties on the manufacture of all salt, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen: and the duties on goods sold at auction, excepting therefrom the sum of thirty-three thousand five hundred dollars, otherwise appropriated by the said act; and the amount of the revenue, established by the act of the legislature of the thirtieth of March, one thousand eight hundred and twenty, in lieu of the tax upon steamboat passengers; shall be and remain inviolably appropriated and applied to the completion of such navigable communications, and to the payment of the interest, and reimbursement of the capital, of the money already borrowed, or which hereafter shall be borrowed, to make and complete the same. And neither the rates of toll on the said navigable communications, nor the duties on the manufacture of salt aforesaid, nor the duties on goods sold at auction, as established by the act of the fifteenth of April, one thousand eight hundred and seventeen; nor the amount of the revenue, established by the act of March the thirtieth, one thousand eight hundred and twenty, in lieu of the tax upon steamboat passengers; shall be reduced or diverted, at any time, before the full and complete payment of the principal and interest of the money borrowed, or to be borrowed, as aforesaid. And the legislature shall never sell or dispose of the salt springs belonging to this state, nor the lands contiguous thereto, which may be necessary or convenient for their use, nor the said navigable communications or any part or section thereof, but the same shall be and remain the property of this state.

11. No lottery shall hereafter be authorized in this state; and the legislature shall pass laws to prevent the sale of all lottery tickets within this state, except in lotteries already provided for by law.

12. No purchase or contract for the sale of lands in this state, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, of or with the Indians in this state, shall be valid, unless under the authority, and with the consent of the legislature.

13. Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed, or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations, as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.

14. All grants of land within this state, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this constitution shall affect any grants of land within this state, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made before that day; or shall affect any such grants or charters since made by this state, or by persons acting under its authority; or shall impair the obligations of any debts contracted by the state, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings, in courts of justice.

ARTICLE 8.

§ 1. Any amendment, or amendments to this constitution, may be proposed in the senate or assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment, or amendments, shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; and shall be published, for three months previous to the time of making such choice; and if, in the legislature next chosen as aforesaid, such proposed amendment or amendments, shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment, or amendments, to the people, in such manner, and at such time, as the legislature shall prescribe; and if the people shall approve and ratify such amendment, or amendments, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments, shall become part of the constitution.

ARTICLE 9.

§ 1. This constitution shall be in force from the last day of December, in the year one thousand eight hundred and twenty-two. But all those parts of the same which relate to the right of suffrage, the division of the state into senate districts, the number of members of the assembly to be elected in pursuance of this constitution, the appointment of members of assembly, the elections hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two, the continuance of the members of the present legislature in office until the first day of January, in the year one thousand eight hundred and twenty-three, and the prohibition against authorizing lotteries, the prohibition against appropriating the public moneys or property for local or private purposes, or creating, continuing, altering, or renewing, any body politic, or corporate without the assent of two-thirds of the members elected to each branch of the legislature, shall be in force and take effect from the last day of February next. The members of the present legislature shall, on the first Monday of March next, take and subscribe an oath or affirmation to support the constitution, so far as the same shall then be in force. Sheriffs, clerks of counties, and coroners, shall be elected at the election hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two; but they shall not enter on the duties of their offices, before the first day of January then next following. The commissions of all persons holding civil offices on the last day of December, one thousand eight hundred and twenty-two, shall expire on that day; but the officers then in commission may respectively continue to hold their said offices, until new appointments or elections shall take place under this constitution.

2. The existing laws, relative to the manner of notifying, holding, and conducting elections, making returns, and canvassing votes, shall be in force and observed, in respect of the elections hereby directed to commence on the first Monday of November, in the year one thousand eight hundred and twenty-two, so far as the same are applicable. And the present legislature shall pass such other and further laws, as may be requisite for the execution of the provisions of this constitution, in respect to elections.

Done in convention, at the capitol, in the city of Albany, the tenth day of November, in the year one thousand eight hundred and twenty-one, and of the independence of the United States of America the forty-sixth.

In witness whereof, we have hereunto subscribed our names.

DANIEL D. TOMPKINS, *President*.

JOHN F. BACON,
SAMUEL S. GARDINER, } *Secretaries*.

CONSTITUTION OF NEW JERSEY.

WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies,* or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn: And whereas George the Third, king of Great Britain, has refused protection to the good people of these colonies; and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause, than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, in the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence: and as the honourable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well being of America in general:—We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberation, agreed upon a set of charter rights, and the form of a constitution, in the manner following, viz.:

1. That the government of this province shall be vested in a governor, legislative council, and general assembly.

2. That the said legislative council and general assembly shall be chosen, for the first time, on the second Tuesday of August next; the members whereof shall be the same in number and qualifications as is hereinafter mentioned; and shall be

* On the 20th of September, 1777, an act of the legislature was passed substituting the word *state* for the word *colony*, in commissions, writs, &c.—No other alteration has taken place in the constitution.

and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

3. That, on the second Tuesday in October yearly, and every year for ever, (with the privilege of adjourning from day to day, as occasion may require) the counties shall severally choose one person, to be a member of the legislative council of this colony, who shall be, and have been for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of assembly; provided, that no person shall be entitled to a seat in the assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county; that, on the second Tuesday next after the day of election, the council and assembly shall separately meet, and that the consent of both houses shall be necessary to every law; provided, that seven shall be a quorum of the council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto. Provided, always, that if a majority of the representatives of this province, in council and general assembly convened, shall at any time or times hereafter, judge it equitable and proper to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done, any thing in this charter to the contrary notwithstanding; so that the whole number of representatives in assembly shall not, at any time, be less than thirty-nine.

4. That all inhabitants of this colony, of full age, who are worth fifty pounds, proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election shall be entitled to vote for representatives in council and assembly; and also for all other public officers that shall be elected by the people of the county at large.

5. That the assembly, when met, shall have power to choose a speaker, and other their officers; to be judges of the qualifications and elections of their own members: sit upon their own adjournments; prepare bills to be passed into laws; and to empower their speaker to convene them whenever any extraordinary occurrence shall render it necessary.

6. That the council shall also have power to prepare bills to pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony; save only that they shall not prepare or alter any money bill—which shall be the privilege of the assembly; that the council shall, from time to time, be convened by the governor or vice president, but must be convened at all times when the assembly sits; for which purpose the speaker of the house of assembly shall always, immediately after an adjournment, give notice to the governor, or vice president, of the time and place to which the house is adjourned.

7. That the council and assembly, jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the colony to be governor for one year, who shall be constant president of the council, and have a casting vote in their proceedings; and that the council themselves shall choose a vice president, who shall act as such in the absence of the governor.

8. That the governor, or, in his absence, the vice president of the council, shall have the supreme executive power, be chancellor of the colony, and act as captain general and commander-in-chief of all the militia, and other military force, in this colony; and that any three or more of the council shall at all times be a privy council to advise the governor in all cases where he may find it necessary to consult them; and that the governor be ordinary or surrogate general.

9. That the governor and council (seven whereof shall be a quorum) be the court of appeals, in the last resort, in all causes of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

10. That captains, and all other inferior officers of the militia, shall be chosen by the companies in the respective counties; but field and general officers, by the council and assembly.

11. That the council and assembly shall have power to make the great seal of this colony, which shall be kept by the governor, or, in his absence, by the vice president of the council, to be used by them as occasion may require; and it shall be called *the great seal of the colony of New Jersey*.

12. That the judges of the supreme court shall continue in office for seven years; the judges of the inferior court of common pleas in the several counties, justices of the peace, clerks of the supreme court, clerks of the inferior court of common pleas and quarter sessions, the attorney general, and provincial secretary, shall continue in office for five years, and the provincial treasurer shall continue in office for one year; and that they shall be severally appointed by the council and assembly, in manner aforesaid, and commissioned by the governor, or, in his

absence, by the vice president of the council. Provided, always, that the said officers, severally, shall be capable of being re-appointed, at the end of the terms severally before limited; and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehaviour by the council, on an impeachment of the assembly.

13. That the inhabitants of each county, qualified to vote as aforesaid, shall, at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may re-elect the same person to such offices until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the governor, or vice president, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

14. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders, of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal shall, for that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people by advertisements.

15. That the laws of this colony shall begin in the following style, viz.—"Be it enacted by the council and general assembly of this colony, and it is hereby enacted by the authority of the same:" that all commissions granted by the governor or vice president, shall run thus: "The colony of New Jersey to A. B, &c. greeting:" and that all writs shall likewise run in the name of the colony; and that all indictments shall conclude in the following manner, viz. "Against the peace of this colony, the government and dignity of the same."

16. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

17. That the estates of such persons as shall destroy their own lives, shall not, for that offence, be forfeited; but shall descend in the same manner as they would have done had such persons died in a natural way: nor shall any article which may occasion accidentally the death of any one, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

18. That no person shall ever, within this colony, be deprived of the inestimable privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience: nor, under any pretence whatever, be compelled to attend any place of worship, contrary to his own faith and

judgment; nor shall any person within this colony ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged himself to perform.

19. That there shall be no establishment of any one religious sect in this province, in preference to another; and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow-subjects.

20. That the legislative department of this colony may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme or other court, sheriffs, nor any other person or persons, possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in assembly; but that, on his being elected, and taking his seat, his office or post, shall be considered as vacant.

21. That all the laws of this province, contained in the edition lately published by Mr. Allison, shall be and remain in full force, until altered by the legislature of this colony, such only excepted, as are incompatible with this charter, and shall be, according as heretofore, regarded in all respects, by all civil officers and others, the good people of this province.

22. That the common law of England, as well as so much of the statute law as has been heretofore practised in this colony, shall still remain in force, until they shall be altered by a future law of the legislature; such parts only excepted, as are repugnant to the rights and privileges contained in this charter; and that the inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, without repeal, for ever.

23. That every person who shall be elected, as aforesaid, to be a member of the legislative council or house of assembly, shall, previous to his taking his seat in council or assembly, take the following oath or affirmation, viz.

"I, A. B., do solemnly declare, that, as a member of the legislative council (or assembly, as the case may be) of the colony of New Jersey, I will not assent to any law, vote, or proceeding, which shall appear to me injurious to the public welfare of said colony, nor that shall annul or repeal that part

of the third section, in the charter of this colony, which establishes that the elections of members of the legislative council and assembly shall be annual; nor that part of the twenty-second section in said charter, respecting the trial by jury, nor that shall annul, repeal, or alter, any part or parts of the eighteenth or nineteenth sections of the same."

And any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this congress, that, if a reconciliation between Great Britain and these colonies should take place, and the latter be again taken under the protection and government of the crown of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In Provincial Congress,
Burlington, July 2, 1776.

By order of Congress:

SAMUEL TUCKER, *President.*

Extract from the minutes.

WILLIAM PATTERSON, *Secretary.*



CONSTITUTION OF PENNSYLVANIA.

AS RATIFIED IN CONVENTION, THE 2D DAY OF SEPTEMBER, 1790.

WE, the people of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

ARTICLE 1.

§ 1. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

2. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

3. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county in which he shall be chosen; unless he shall have been absent on the public business of the United States, or of this state.

No person residing within any city, town, or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person residing without the limits of any such city, town, or borough, be elected a member therefor.

4. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have at least one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeable to the ratio which shall then be established.

5. The senators shall be chosen for four years, by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

7. The senators shall be chosen in districts, to be formed by the legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided, in forming a district.

8. No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district for which he shall have been chosen; unless he shall have been absent on the public business of the United States, or of this state.

9. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided, by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth

class, at the expiration of the fourth year; so that one-fourth may be chosen every year.

10. The general assembly shall meet on the first Tuesday of December in every year, unless sooner convened by the governor.

11. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker, *pro tempore*, when the speaker shall exercise the office of governor.

12. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members, in such manner, and under such penalties as may be provided.

13. Each house may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free state.

14. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy. And the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

15. The doors of each house, and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

17. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall, in all cases except treason, felony, and breach or surety of the peace, be free from arrest, during their attendance at the session of the respective privileged houses, and in going to and returning from the same. And for any speech or debate in either house, they shall not be questioned in any other place.

18. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of congress, or other person holding any office, except of attorney at law, and in the militia, under the United States or this commonwealth, shall be a member of either house, during his continuance in congress, or in office.

19. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

20. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills.

21. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

22. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which, likewise, it shall be reconsidered; and if approved of by two-thirds of that house, it shall be a law. But, in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall be presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case, it shall be a law, unless sent back within three days after their next meeting.

23. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment,) shall be presented to the governor; and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

ARTICLE 2.

§ 1. The supreme executive power of this commonwealth shall be vested in a governor.

2. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor, shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them, in the presence of the members of both houses of the legislature. The person having the highest number of votes, shall be governor. But, if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses

of the legislature, and formed and regulated in such manner as shall be directed by law.

3. The governor shall hold his office during three years from the third Tuesday of December next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

4. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state seven years next before his election; unless he shall have been absent on the public business of the United States, or of this state.

5. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

6. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

7. He shall be commander-in-chief of the army and navy of this commonwealth, and of the militia; except when they shall be called into the actual service of the United States.

8. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but, if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of congress from this state, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in this state, to which a salary is by law annexed, or any other office which future legislatures shall declare incompatible with offices or appointments under the United States.

9. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

10. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

11. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

12. He may, on extraordinary occasions, convene the

general assembly: and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn to such time as he shall think proper, not exceeding four months.

13. He shall take care that the laws be faithfully executed.

14. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the exercise of the executive authority, shall continue therein until the determination of such contested election, and until a governor shall be qualified as aforesaid.

15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the legislature; and shall perform such other duties as shall be enjoined him by law.

ARTICLE 3.

§ 1. In elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector: Provided, that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

2. All elections shall be by ballot, except those by persons in their respective capacities, who shall vote *viva voce*.

3. Electors shall, in all cases, except treason, felony, and breach and surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE 4.

§ 1. The house of representatives shall have the sole power of impeaching.

2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

3. The governor, and all other civil officers, under this commonwealth, shall be liable to impeachment for any

misdemeanor in office. But judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under this commonwealth. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE 5.

§ 1. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general gaol delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace, for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

2. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behaviour. But, for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two-thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

3. The jurisdiction of the supreme court shall extend over the state; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery, in the several counties.

4. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The governor shall appoint, in each county, not fewer than three, nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided, by law, into circuits, none of which shall include more than six, nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

5. The judges of the court of common pleas in each county shall, by virtue of their offices, be justices of oyer and terminer, and general gaol delivery, for the trial of capital and other offenders therein: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or gaol delivery in any county, when the judges of the supreme court, or any of them, shall

be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings, on a transcript thereof, into the supreme court.

6. The supreme court, and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating testimony, the obtaining of evidence from places not within this state, and the care of the persons and estates of those who are *non compos mentis;* and the legislature shall vest in the said courts such other powers, to grant relief in equity, as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

7. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphan's court thereof: and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

8. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

9. The president of the court in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

10. The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law: they shall be commissioned during good behaviour; but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both houses of the legislature.

11. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds shall be kept in each county.

12. The style of all process shall be, *the commonwealth of Pennsylvania;* all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, *against the peace and dignity of the same.*

ARTICLE 6.

§ 1. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. Two persons shall be chosen for each office, one of

whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified: but no person shall be twice chosen or appointed sheriff, in any term of six years. Vacancies in either of the said offices shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

2. The freemen of this commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner, and for such time, as shall be directed by law.

3. Prothonotaries, clerks of the peace, and orphans' courts, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith, for any term not exceeding five years after the county shall have been erected.

4. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and be signed by the governor.

5. The state treasurer shall be appointed annually, by the joint vote of the members of both houses. All other officers in the treasury department, attorneys at law, election officers, officers relating to taxes, to the poor, and highways, constables, and other township officers, shall be appointed in such manner as is or shall be directed by law.

ARTICLE 7.

§ 1. The legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

2. The arts and sciences shall be promoted in one or more seminaries of learning.

3. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain as if the constitution of this state had not been altered or amended.

ARTICLE 8.

Members of the general assembly, and all officers, executive and judicial, shall be bound by oath or affirmation, to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

ARTICLE 9.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established we declare:

1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

2. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

3 That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: and no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience: and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

4. That no person, who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

5. That elections shall be free and equal.

6. The trial by jury shall be as heretofore, and the right thereof remain inviolate.

7. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man: and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

8. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and that no warrant to search any place or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

9. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel: to demand the nature and cause of the accusation against him: to meet the witnesses face to face: to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage: that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

10. That no persons shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

11. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may by law direct.

12. That no power of suspending laws shall be exercised unless by the legislature or its authority.

13. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

14. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

15. That no commission of oyer and terminer or jail delivery shall be issued.

16. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

17. That no *ex post facto* law, nor any law impairing contracts, shall be made.

18. That no person shall be attainted of treason or felony by the legislature.

19. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

20. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

21. That the right of the citizens to bear arms, in defence of themselves and the state, shall not be questioned.

22. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

23. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

24. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

25. That emigration from the state shall not be prohibited.

26. To guard against transgressions of the high powers which we have delegated, we declare, that every thing in this article, is excepted out of the general powers of government, and shall for ever remain inviolate.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and, in order to carry the same into complete operation, it is hereby declared and ordained:

1. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

2. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday in December next; but no intermediate vacancies in the council shall be supplied by new elections.

3. That all officers in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices until the first day of September, one thousand seven hundred and ninety-one, unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation, and no longer, unless re-appointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

4. That justice shall be administered in the several counties of this state until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

5. That no person now in commission as sheriff, shall be eligible at the next election for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

6. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constitution established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives as is now prescribed by law.

7. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, to wit: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of Bucks shall be a district, and shall elect one senator: the county of Montgomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne, and Huntingdon, shall be a district, and shall elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Alleghany shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumeration before mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies which shall happen in the senate, within the said time, shall

be supplied as prescribed in the nineteenth section of the first article.

8. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making returns of the election of representatives. In those districts which consist of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York, shall meet at the court house in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middletown in the county of Berks; the judges of the district composed of the counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne, and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Alleghany, shall meet in Westmoreland county, at the court house in the town of Greensborough; the judges of the district composed of the counties of Washington and Fayette, shall meet at the court house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purposes aforesaid.

9. That the election of the governor shall be conducted in the several counties, in the manner prescribed by the laws of the state for the election of representatives: and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the Independence of the United States of America

the fifteenth. In testimony whereof, we have hereunto subscribed our names.

THOMAS MIFFLIN, *President.*

James Wilson,
Hilary Baker,
William Lewis,
Thomas M'Kean,
George Gray,
William Robinson, jun.
Robert Hare,
Enoch Edwards,
Samuel Ogden,
Thomas Jenks, jun.
John Barclay,
Abraham Stout,
William Gibbons,
Thomas Bull,
James Boyd,
Edward Hand,
Robert Coleman,
Sebastian Graff,
John Hubley,
John Breckbill,
Henry Miller,
Henry Slagle,
David Reddick,
James Ross,
John Smilie,
Albert Gallatin,
James M'Lene,
George Matthews,
James Morris,
Lindsey Coats,
Jonathan Shoemaker,
William Reed,
Benjamin Tyson,
Benjamin Pedan,
Matthew Dill,
William Irvine,
James Power,
Joseph Heister,
Christian Lower,
Abraham Lincoln,
Paul Groscop,
Baltzer Gehr,
Samuel Sitgreaves,
John Arndt,
Peter Rhoads,
Joseph Powell,
John Piper,
Charles Smith,
Simon Snyder,
William Findley,
William Todd,
Alexander Addison,
John Hodge,
John Gloninger,
William Brown,
Alexander Graydon,
Timothy Pickering,
Andrew Henderson,
John Gibson,
Thomas Beale,
John Sellers,
Nathaniel Newlin,

Attest, JOSEPH REDMAN, *Secretary.*
JACOB SHALLUS, *Assistant Secretary.*

CONSTITUTION OF DELAWARE,

As Amended and Adopted, December 2d, 1831.*

We, the People, hereby ordain and establish this Constitution of Government for the State of Delaware.

THROUGH divine goodness all men have, by nature, the rights of worshipping and serving their Creator according to

* The amendments are in brackets.

the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness: And they may for this end, as circumstances require, from time to time, alter their constitution of government.

ARTICLE 1.

§ 1. Although it is the duty of all men frequently to assemble together for the public worship of the Author of the Universe, and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet no man shall, or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent: and no power shall or ought to be vested in or assumed by any magistrate, that shall in any case interfere with, or in any manner control, the rights of conscience, in the free exercise of religious worship: nor shall a preference be given by law to any religious societies, denominations, or modes of worship.

§ 2. No religious test shall be required as a qualification to any office, or public trust, under this state.

§ 3. All elections shall be free and equal.

§ 4. Trial by jury shall be as heretofore.

§ 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

§ 6. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and no warrant to search any place, or to seize any person or things, shall issue without describing them as particularly as may be, nor then, unless there be probable cause supported by oath or affirmation.

§ 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself,

his friends or counsel, for obtaining witnesses in his favour, and a speedy and public trial by an impartial jury: he shall not be compelled to give evidence against himself: nor shall he be deprived of life, liberty, or property, unless by the judgment of his peers or the law of the land.

§ 8. No person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without compensation being made.

§ 9. All courts shall be open: and every man for an injury done him in his reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of the cause and the law of the land, without sale, denial, or unreasonable delay or expense: and every action shall be tried in the county in which it shall be commenced, unless when the judges of the court in which the cause is to be tried, shall determine that an impartial trial therefor cannot be had in that county. Suits may be brought against the state, according to such regulations as shall be made by law.

§ 10. No power of suspending laws shall be exercised, but by authority of the legislature.

§ 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted: and in the construction of gaols, a proper regard shall be had to the health of prisoners.

§ 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is positive or the presumption great: and when persons are confined on accusation for such offences, their friends and counsel may at proper seasons have access to them.

§ 13. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

§ 14. No commission of oyer and terminer or gaol delivery shall be issued.

§ 15. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate. The estates of those who destroy their own lives, shall descend or vest as in case of natural death: and if any person be killed by accident, no forfeiture shall be thereby incurred.

§ 16. Although disobedience to laws by a part of the people, upon suggestions of impolicy or injustice in them, tends by immediate effect and the influence of example, not only to endanger the public welfare and safety, but also in governments

of a republican form, contravenes the social principles of such governments founded on common consent for common good; yet the citizens have a right in an orderly manner to meet together, and to apply to persons intrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.

§ 17. No standing army shall be kept up without the consent of the legislature: and the military shall, in all cases and at all times, be in strict subordination to the civil power.

§ 18. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but by a civil magistrate, in a manner to be prescribed by law.

§ 19. No hereditary distinction shall be granted, nor any office created or exercised, the appointment to which shall be for a longer term than during good behaviour; and no person holding any office under this state, shall accept of any office or title of any kind whatever, from any king, prince or foreign state.

We declare, that every thing in this article is reserved out of the general powers of government hereinafter mentioned.

ARTICLE 2.

§ 1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

§ 2. The representatives shall be chosen [for two years,] by the citizens residing in the several counties.

No person shall be a representative who shall not have attained the age of twenty-four years, and have been a citizen and inhabitant of the state three years next preceding the first meeting of the legislature after his election, and the last year of that term, an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State.

There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be judged necessary; and then, two-thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

§ 3. The senators shall be chosen for [four] years by the citizens residing in the several counties.

No person shall be a senator, who shall not have attained to the age of twenty-seven years, and have in the county in which he shall be chosen, a freehold estate in two hundred acres of land, or an estate in real and personal property, or in either, of the value of one thousand pounds at least, and have been a citizen and inhabitant of the state three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he

shall be chosen, unless he shall have been absent on the public business of the United States or of this state.

There shall be three senators chosen in each county. When a greater number of senators shall by the general assembly be judged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one-half, nor less than one-third of the number of representatives.

[If the office of representative, or the office of senator, become vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term.

When there is a vacancy in either house of the general assembly, and the general assembly is not in session, the governor shall have power to issue a writ of election to fill such vacancy; which writ shall be executed as a writ issued by a speaker of either house in case of vacancy.]

§ 4. The general assembly shall meet on the first Tuesday of January, biennially, unless sooner convened by the governor.

[The first meeting of the general assembly, under this amended constitution, shall be on the first Tuesday of January, in the year of our Lord, one thousand eight hundred and thirty-three, which shall be the commencement of biennial sessions]

§ 5. Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker *pro tempore.*

§ 6. Each house shall judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner, and under such penalties as shall be deemed expedient.

§ 7. Each house may determine the rules of its proceedings, punish any of its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member, and shall have all other powers necessary for a branch of the legislature of a free and independent state.

§ 8. Each house shall keep a journal of its proceedings, and publish them immediately after every session, except such parts as may require secrecy, and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal.

§ 9. The doors of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

§ 10. Neither house shall, without the consent of the other,

adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

§ 11. The senators and representatives shall receive a compensation for their services to be ascertained by law, and paid out of the treasury of the state; but no law varying the compensation shall take effect, till an election of representatives shall have intervened. They shall in all cases, except treason, felony, or breach of the peace be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 12. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time. No person concerned in any army or navy contract, no member of congress, nor any person holding any office under this state or the United States, except the attorney general, officers usually appointed by the courts of justice respectively, attorneys at law and officers in the militia, holding no disqualifying office, shall during his continuance in congress or in office, be a senator or representative.

§ 13. When vacancies happen in either house, writs of election shall be issued by the speakers respectively, or in cases of necessity, in such other manner as shall be provided by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected, might have done, if such vacancies had not happened.

§ 14. All bills for raising revenue shall originate in the house of representatives; but the senate may propose alterations as on other bills; and no bill, from the operations of which when passed into a law revenue may incidentally arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with or annexed to a bill for raising revenue.

§ 15. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published *at least once in every two years.*

§ 16. [The state treasurer shall be appointed biennially by the house of representatives, with the concurrence of the senate. In case of a vacancy in the office of state treasurer in the recess of the general assembly, either through omission of the general assembly to appoint, or by the death, removal out of the state, resignation, or inability of the state treasurer, or his failure to give security, the governor shall fill the vacancy by appointment to continue until the next meeting of the general

assembly: The state treasurer shall settle his accounts annually with the general assembly or a committee thereof, which shall be appointed at every biennial session. No person who hath served in the office of state treasurer, shall be eligible to a seat in either house of the general assembly until he shall have made a final settlement of his accounts as treasurer and discharged the balance, if any, due thereon.]

§ 17. [No act of incorporation, except for the renewal of existing corporations, shall be hereafter enacted without the concurrence of two-thirds of each branch of the legislature, and with a reserved power of revocation by the legislature; and no act of incorporation which may be hereafter enacted, shall continue in force for a longer period than twenty years, without the re-enactment of the legislature, unless it be an incorporation for public improvement.]

ARTICLE 3.

§ 1. The supreme executive powers of the state shall be vested in a governor.

§ 2. The governor shall be chosen by the citizens of the state.

The returns of every election for governor shall be sealed up, and immediately delivered by the returning officers of the several counties to the speaker of the senate, or in case [of the vacancy of the office of the speaker of the senate, or his absence from the state, to the secretary of state,] who shall keep the same until a speaker of the senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both houses of the legislature. Duplicates of the said returns shall also be immmediately lodged with the prothonotary of each county. The person having the highest number of votes shall be governor: but if two or more shall be equal in the highest number of votes, the members of the two houses shall, by joint ballot, choose one of them to be governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the speaker of the senate shall have an additional casting vote.

Contested elections of a governor shall be determined by a joint committee, consisting of one-third of all the members of each branch of the legislature, to be selected by ballot of the house respectively: every person of the committee shall take an oath or affirmation, that in determining the said election, he will faithfully discharge the trust reposed in him: and the committee shall always sit with open doors.

§ 3. The governor shall hold his office during [four] years from the third Tuesday in January next ensuing his election, and shall not be [eligible a second time to said office.]

§ 4. He shall be at least thirty years of age, and have been

a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election, and the last six of that term an inhabitant of this state, unless he shall have been absent on the public business of the United States or of this State.

§ 5. No member of congress, nor person holding any office under the United States or this state, shall exercise the office of governor.

§ 6. The governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

§ 7. He shall be commander-in-chief of the army and navy of this state, and of the militia; except when they shall be called into the service of the United States.

§ 8. He shall appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within a county, who shall not have a right to vote for representatives, and have been an inhabitant therein one year next before his appointment, nor hold the office longer than he continues to reside in the county. No member of congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise the office of judge, treasurer, attorney general, secretary, prothonotary, register for the probate of wills and granting letters of administration, recorder, sheriff, or any office under this state, with a salary by law annexed to it, or any other office which the legislature shall declare incompatible with offices or appointments under the United States. No person shall hold more than one of the following offices at the same time, to wit: treasurer, attorney general, prothonotary, register or sheriff. All commissions shall be in the name of the state, shall be sealed with the great seal, and be signed and tested by the governor.

§ 9. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons, except in cases of impeachment. [He shall set forth in writing, fully, the grounds of all reprieves, pardons and remissions, to be entered in the register of his official acts, and laid before the general assembly at their next session.]

§ 10. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

§ 11. He shall from time to time give to the general assembly information of affairs concerning the state, and recommend to their consideration such measures as he shall judge expedient.

§ 12. He may on extraordinary occasions convene the gene-

ral assembly, and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months.

§ 13. He shall take care that the laws be faithfully executed.

§ 14. [Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified. If the person elected governor shall die, or become disqualified, before the commencement of his term of office, or shall refuse to take the same, the person holding the office shall continue to exercise it, until a governor shall be elected and duly qualified. If upon a vacancy happening in the office of governor, there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect by joint ballot of both houses a person to exercise the office until a governor elected by the people shall be duly qualified. If a vacancy occur in the office of governor, or if the governor elect die, or become disqualified, before the commencement of his term, or refuse to take the office, an election for governor shall be held at the next general election, unless the vacancy happen within six days next preceding the election, exclusive of the day of the happening of the vacancy and the day of the election: in that case, if an election for governor would not have been held at said election, without the happening of such vacancy, no election for governor shall be held at said election in consequence of such vacancy.] If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate, or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability, but with the concurrence of two-thirds of all the members of each branch of the legislature.

§ 15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor and shall when required by either branch of the legislature, lay the same, and all papers, mi-

nutes, and vouchers, relative thereto, before them, and shall perform such other duties as shall be enjoined him by law. He shall have a compensation for his services to be fixed by law.

ARTICLE 4.

§. 1. [All elections for governor, senators, representatives, sheriffs and coroners shall be held on the second Tuesday of November, and be by ballot: And in such elections every free white male citizen of the age of twenty-two years or upwards, having resided in the state one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election, paid a county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every free white male citizen of the age of twenty-one years and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax: Provided, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector; and that the legislature may impose the forfeiture of the right of suffrage as a punishment for crime.]

§ 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

ARTICLE 5.

§ 1. The house of representatives shall have the sole power of impeaching: but two-thirds of all the members must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the senators.

§ 2. The governor and all other civil officers under this state, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, trust or profit under this state; but the party convicted shall nevertheless be subject to indictment, trial, judgment and punishment according to law.

§ 3. Treason against this state shall consist only in levying war against it, or in adhering to the enemies of the government, giving them aid and comfort. No person shall be con-

victed of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE 6.

§ 1. [The judicial power of this state shall be vested in a court of errors and appeals, a superior court, a court of chancery, an orphans' court, a court of oyer and terminer, a court of general sessions of the peace and gaol delivery, a register's court, justices of the peace, and such other courts as the general assembly, with the concurrence of two-thirds of all the members of both houses, shall from time to time establish.]

§ 2. [To compose the said courts there shall be five judges in the state. One of them shall be chancellor of the state: he shall also be president of the orphans' court: he may be appointed in any part of the state. The other four judges shall compose the superior court, the court of oyer and terminer, and the court of general sessions of the peace and gaol delivery, as hereinafter prescribed. One of them shall be chief justice of the state, and may be appointed in any part of it. The other three judges shall be associate judges, and one of them shall reside in each county.]

§ 3. [The superior court shall consist of the chief justice and two associate judges. The chief justice shall preside in every county, and in his absence the senior associate judge sitting in the county shall preside. No associate judge shall sit in the county in which he resides. Two of said judges shall constitute a quorum. One may open and adjourn the court, and make all rules necessary for the expediting of business.

This court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law, and all other the jurisdiction and powers vested by the laws of this state in the supreme court or court of common pleas.]

§ 4. [The court of general sessions of the peace and gaol delivery shall be composed in each county of the same judges and in the same manner as the superior court. Two shall constitute a quorum. One may open and adjourn the court. This court shall have all the jurisdiction and powers vested by the laws of this state in the court of general quarter sessions of the peace and gaol delivery.]

§ 5. [The chancellor shall hold the court of chancery. This court shall have all the powers vested by the laws of this state in the court of chancery.]

§ 6. [The court of oyer and terminer shall consist of all the judges except the chancellor. Three of the said judges shall constitute a quorum. One may open and adjourn the court. This court shall exercise the jurisdiction now vested in the courts of oyer and terminer and general gaol delivery by the laws of this state. In the absence of the chief justice the senior associate present shall preside.]

§ 7. [The court of errors and appeals shall have jurisdiction to issue writs of error to the superior court, and to receive appeals from the court of chancery, and to determine finally all matters in error in the judgments and proceedings of said superior court, and all matters of appeal in the interlocutory or final decrees and proceedings in chancery. The court of errors and appeals upon a writ of error to the superior court shall consist of three judges at least: that is to say, the chancellor, who shall preside, the associate judge who could not on account of his residence sit in the cause below, and one of the judges who did sit in the said cause. The judges of the superior court to whom it appertains to hold the superior court in each county shall sit alternately in the court of errors and appeals in cases in error brought from the superior court held in such county, according to the following rotation, that is to say: If the judgment below be rendered in the court in New Castle county at the first term of the said court there, the chief justice shall sit; if at the second term of said court there, the associate judge for Kent county shall sit, and if at the third term of said court there, the associate judge for Sussex county shall sit. If the judgment below be rendered in the court in Kent county at the first term of said court there, the associate judge for Sussex county shall sit, if at the second term of the said court there, the associate judge for New Castle county shall sit, and if at the third term of the said court there, the chief justice shall sit. If the judgment below be rendered in the court in Sussex county at the first term of said court there, the associate judge for New Castle county shall sit, if at the second term of the said court there, the chief justice shall sit, and if at the third term of the said court there, the associate judge for Kent county shall sit; and so from term to term, in every succeeding rotation the judges beginning and following each other in the same order. But if in any case in the court of errors and appeals, the judge who sat in the cause below, and ought according to this provision to sit in the court of errors and appeals, be absent, unable or disqualified, then either of the other judges, who sat in the cause below, may sit: and the court shall have power to prevent any inconvenience or delay from observing the rotation above prescribed, by making an order or regulation for either of the judges who sat in the cause below, to sit in such cause in the court of errors and appeals. If a judge did not sit in the cause below, he shall sit in the said cause in the court of errors and appeals, unless there be a legal exception to him; but the court, if there be three judges present, may proceed in his absence.

Whenever the superior court consider that a queston of law ought to be decided before all the judges, they shall have power, upon the application of either party, to direct it to be heard in the court of errors and appeals; and in that case the

chancellor and four judges shall compose the court of errors and appeals, the chancellor presiding, and any four of them being a quorum; and in the absence of the chancellor, the chief justice shall preside. The superior court in exercising this power may direct a cause to be proceeded in to verdict and judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.

Upon appeal from the court of chancery, the court of errors and appeals shall consist of the chief justice and three associate judges; any three of them shall be a quorum.]

§ 8. [In matters of chancery jurisdiction in which the chancellor is interested, the chief justice sitting in the superior court without the associate judges, shall have jurisdiction, with an appeal to the court of errors and appeals, which shall consist in this case of the three associate judges, the senior associate judge presiding.]

§ 9. [The governor shall have power to commission a judge *ad litem*, to decide any cause in which there is a legal exception to the chancellor or any judge, so that such appointment is necessary to constitute a quorum in either court. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the general assembly. A member of congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge *ad litem*.]

§ 10. [The orphans' court in each county, shall be held by the chancellor and the associate judge residing in the county; the chancellor being president. Either of them, in the absence of the other, may hold the court. When they concur in opinion there shall be no appeal from their decision except in the matter of real estate. When their opinions are opposed, or when a decision is made by one of them, and in all matters involving a right to real estate, or the appraised value or other value thereof, there shall be an appeal to the superior court for the county, which shall have final jurisdiction in every such case. This court shall have all the jurisdiction and powers vested by the laws of this state in the orphans' court.]

§ 11. [The jurisdiction of each of the aforesaid courts shall be co-extensive with the state. Process may be issued out of each court, in either county, into every county.]

§ 12. [The general assembly, notwithstanding any thing contained in this article, shall have power to repeal or alter any act of the general assembly, giving jurisdiction to the courts of oyer and terminer and general gaol delivery, or to the supreme court, or the court of common pleas, or the court of general quarter sessions of the peace and gaol delivery, or the orphans' court or to the court of chancery, in any matter, or giving any power to either of said courts. Until the gene-

ral assembly shall otherwise direct, there shall be an appeal to the court of errors and appeals in all cases in which there is an appeal, according to any act of the general assembly, to the high court of errors and appeals.]

§ 13. [Until the general assembly shall otherwise provide, the chancellor shall exercise all the powers which any law of this state vests in the chancellor, besides the general powers of the court of chancery; and the chief justice and associate judges shall each singly exercise all the powers which any law of this state vests in the judges singly of the supreme court or court of common pleas.]

§ 14. [The chancellor and judges shall respectively hold their offices during good behaviour, and receive for their services a compensation which shall be fixed by law and paid quarterly, and shall not be less than the following sums, that is to say:—the annual salary of the chief justice shall not be less than the sum of one thousand two hundred dollars: and the annual salary of the chancellor shall not be less than the sum of one thousand one hundred dollars: and the annual salaries of the associate judges, respectively, shall not be less than the sum of one thousand dollars each. They shall hold no other office of profit, nor receive any fees or perquisites in addition to their salaries for business done by them. The governor may for any reasonable cause, in his discretion, remove any of them on the address of two-thirds of all the members of each branch of the general assembly. In all cases where the legislature shall so address the governor, the cause of removal shall be entered on the journals of each house. The judge against whom the legislature may be about to proceed, shall receive notice thereof, accompanied with the causes alleged for his removal, at least five days before the day on which either house of the general assembly shall act thereupon.]

§ 15. [The general assembly may by law give to any inferior courts by them to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say: assaults and batteries, keeping without license a public house of entertainment, tavern, inn, alehouse, ordinary or victualling house, retailing or selling without license, wine, rum, brandy, gin, whiskey or spirituous or mixed liquors contrary to law, disturbing camp meetings held for the purpose of religious worship, disturbing other meetings for the purpose of religious worship, nuisances, horseracing, cockfighting, and shooting matches, larcenies committed by negroes or mulattoes, and the offence of knowingly buying, receiving, or concealing by negroes or mulattoes, of stolen goods and things the subject of larceny, and of any negro or mulatto being accessary to any larceny. The general assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by

petit jury, and may grant or deny the privilege of appeal to the court of general sessions of the peace: the matters within this section shall be and the same hereby are excepted and excluded from the provision of the constitution, that—"No person shall for an indictable offence be proceeded against criminally by information"—and also from the provision of the constitution concerning trial by jury.]

§ 16. In civil causes when pending, the [superior] court shall have the power before judgment, of directing upon such terms as they shall deem reasonable, amendments in pleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the state, upon interrogatories *de bene esse*, to be read in evidence, in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within this state.

§ 17. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, and the costs then accrued, and the plaintiff not accepting thereof, it shall be delivered for his use to the clerk or prothonotary of the court; and if, upon the final decision of the cause, the plaintiff shall not recover a greater sum than that so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

§ 18. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but until the legislature shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a *scire facias*, thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for, or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court, upon motion, shall grant such a continuance of the cause as to the judges shall appear proper.

§ 19. Whenever a person, not being an executor or administrator, appeals from a decree of the chancellor or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error, shall give sufficient security, to be approved respectively by the chancellor, or by a

judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

§ 20. No writ of error shall be brought upon any judgment heretofore confessed, entered, or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered, or rendered, but within five years after the confessing, entering, or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compos mentis, or a prisoner, and then within five years exclusive of the time of such disability.

§ 21. An executor, administrator, or guardian shall file every account with the register for the county, who shall as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor, administrator or guardian, and shall adjust and settle the same, according to the very right of the matter and the law of the land; which account so settled, shall remain in his office for inspection; and the executor, administrator, or guardian, shall within three months after such settlement, give due notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the state, that the account is lodged in the said office for inspection. [Exceptions may be made by persons concerned, to both sides of every such account, either denying the justice of the allowances made to the accountant, or alleging further charges against him; and the exceptions shall be heard in the orphans' court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and the law of the land.]

§ 22. The registers of the several counties shall respectively hold the register's court in each county. Upon the litigation of a cause, the depositions of the witnesses examined shall be taken at large in writing, and make part of the proceedings in the cause. This court may issue process throughout the state, to compel the attendance of witnesses. Appeals may be made from a register's court to the [superior] court, whose decisions shall be final. In cases where a register is interested in questions concerning the probate of wills, the granting letters of administration, or executors, administrators, or guardians accounts, the cognizance thereof shall belong to the orphan's court, with an appeal to the [superior] court, whose decision shall be final.

§ 23. [The prothonotary of the superior court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court.] No judgment in one county shall bind lands or tenements in another, until a

testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situated.

§ 24. The governor shall appoint a competent number of persons to the office of justice of the peace, not exceeding twelve in each county, until two-thirds of both houses of the legislature shall by law direct an addition to the number, who shall be commissioned for seven years, if so long they shall behave themselves well, but may be removed by the governor within that time on conviction of misbehaviour in office, or on the address of both houses of the legislature.

§ 25. The style in all process and public acts shall be, "*The state of Delaware.*" Prosecutions shall be carried on in the name of the state.

ARTICLE 7.

§ 1. The members of the senate and house of representatives, the chancellor, the judges, and the attorney general shall, by virtue of their offices, be conservators of the peace throughout the state; and the treasurer, secretary, prothonotaries, registers, recorders, sheriffs, and coroners, shall by virtue of their offices, be conservators thereof within the counties respectively in which they reside.

§ 2. The representative, and, when there shall be more than one, the representatives of the people of this state in congress, shall be voted for at the same places where representatives in the state legislature are voted for, and in the same manner.

§ 3. [The sheriff and coroner of each county shall be chosen by the citizens residing in such county. They shall hold their respective offices for two years, if so long they behave themselves well, and until successors be duly qualified; but no person shall be twice chosen sheriff upon election by the citizens in any term of four years. They shall be commissioned by the governor. The governor shall fill vacancies in these offices by appointments to continue until the next election and until successors shall be duly qualified. The legislature, two-thirds of each branch concurring, may vest the appointment of sheriffs and coroners in the governor; but no person shall be twice appointed sheriff in any term of six years.]

§ 4. The attorney general, [registers in chancery,] prothonotaries, registers, clerks of the orphans' court and of the peace shall respectively be commissioned for five years, if so long they shall behave themselves well; but may be removed by the governor within that time on conviction of misbehaviour in office, or on the address of both houses of the legislature. Prothonotaries, [registers in chancery,] clerks of the orphans' court, registers, recorders, and sheriffs shall keep their offices in the town or place in each county in which the [superior] court [is] usually held.

§ 5. Attorneys at law, all inferior officers in the treasury department, election officers, officers relating to taxes, to the poor and to high ways, constables and hundred officers, shall be appointed in such manner as is or may be directed by law.

§ 6. All salaries and fees annexed to offices shall be moderate; and no officer shall receive any fees whatever without giving to the person who pays, a receipt for them, if required, therein specifying every particular and the charge for it.

§ 7. No costs shall be paid by a person accused on a bill being returned ignoramus, nor on acquittal by a jury.

§ 8. The rights, privileges, immunities and estates of religious societies and corporate bodies shall remain as if the constitution of this state had not been altered. No [ordained] clergyman or [ordained] preacher of the gospel of any denomination shall be capable of holding any civil office in the state, or of being a member of either branch of the legislature, while he continues in the exercise of the pastoral or clerical functions.

§ 9. All the laws of this state existing at the time of making this constitution and not inconsistent with it, shall remain in force, unless they shall be altered by future laws; and all actions and prosecutions now pending shall proceed as if this constitution had not been made.

§ 10. This constitution shall be prefixed to every edition of the laws made by direction of the legislature.

§ 11. The legislature shall, as soon as conveniently may be, provide by law for ascertaining what statutes and parts of statutes shall continue to be in force within this state; for reducing them and all acts of the general assembly into such order and publishing them in such manner that thereby the knowledge of them may be generally diffused; for choosing inspectors and judges of elections, and regulating the same in such manner, as shall most effectually guard the rights of the citizens entitled to vote; for better securing personal liberty, and easily and speedily redressing all wrongful restraints thereof; for more certainly obtaining returns of impartial juries; for dividing lands and tenements in sales by sheriffs, where they will bear a division, into as many parcels as may be without spoiling the whole, and for advertising and making the sales in such manner, and at such times and places as may render them most beneficial to all persons concerned; and for establishing schools, and promoting arts and sciences.

§ 12. [No property qualification shall be necessary to the holding of any office in this state, except the office of senator in the general assembly, and the office of assessor, inquisitor on lands, and levy court commissioner, and except such offices as the general assembly shall by law designate.]

ARTICLE 8.

Members of the general assembly and all officers, executive and judicial, shall be bound by oath or affirmation, to support

the constitution of this state, and to perform the duties of their respective offices with fidelity.

ARTICLE 9.

The general assembly, whenever two-thirds of each house shall deem it necessary, may, with the approbation of the governor, propose amendments to this constitution, and at least three, and not more than six months before the next general election of representatives duly publish them in print for the consideration of the people; and if three-fourths of each branch of the legislature shall, after such an election and before another, ratify the said amendments, they shall be valid to all intents and purposes as parts of this constitution. No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known will be for them at a [special election on the third Tuesday of May in any year] to vote by ballot for or against a convention, as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the state, having right to vote for representatives, have voted for a convention, the general assembly shall accordingly at their next session call a convention to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. [The majority of all the citizens in the state having right to vote for representatives shall be ascertained by reference to the highest number of votes cast in the state at any one of the three general elections, next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention: and whenever the general assembly shall deem a convention necessary they shall provide by law for the holding of a special election for the purpose of ascertaining the sense of the majority of the citizens of the state entitled to vote for representatives.]

SCHEDULE.

THAT no inconveniences may arise from the amendments of the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained: as follows—

§ 1. The offices of the present senators and representatives shall not be vacated by any amendment of the constitution made in this convention, nor otherwise affected, except that the terms of the representatives and the terms of the senators

which will expire on the first Tuesday of October in the year of our Lord one thousand eight hundred and thirty-two, are hereby extended to the second Tuesday of November in that year: and the terms of the senators which will expire on the first Tuesday of October in the year of our Lord one thousand eight hundred and thirty-three, are hereby extended to the second Tuesday of November in that year: And the terms of the senators which will expire on the first Tuesday of October in the year of our Lord one thousand eight hundred and thirty-four, are hereby extended to the second Tuesday of November in that year.

The general assembly shall meet on the first Tuesday of January next, and shall not be within the amended provision respecting biennial sessions, which biennial sessions shall commence with the session of the general assembly on the first Tuesday of January in the year of our Lord one thousand eight hundred and thirty-three.

§ 2. The offices of the present sheriffs and coroners shall not be vacated by any amendment to the constitution made in this convention, nor otherwise affected, except that the term of office of the sheriff of Sussex county is hereby extended to the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-two, and until a successor be duly qualified: and on the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-two shall be the first election for sheriff in Sussex county under this amended constitution. And the term of the present coroner for Sussex county is hereby extended to the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-four, and until a successor shall be duly qualified: and on the said last mentioned day shall be the first election for coroner in Sussex county under this amended constitution.

The terms of the present sheriffs and coroners for Kent county and New Castle county are hereby extended to the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-three, and until successors to them respectively be duly qualified; and on or after the first Tuesday of November in the year of our Lord one thousand eight hundred and thirty-three, the governor shall have power to appoint a sheriff and a coroner for New Castle county, and a sheriff and coroner for Kent county, to continue in office until the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-four, and until successors to them respectively be duly qualified. And on the said last mentioned day shall be the first election for sheriff and for coroner in New Castle county and in Kent county under this amended constitution, unless a vacancy happen in the office of sheriff or coroner of New Castle or Kent county, or of coroner for Sussex

county before the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-two; in which case an election shall be held on that day for a sheriff or coroner under this amended constitution, in place of the sheriff or coroner whose office has become vacant.

§ 3 The first election for representatives under this amended constitution shall be held on the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-two; which shall be the commencement of biennial elections. At this election one senator shall be chosen in each county for four years. Also at the biennial election to be held in the several counties on the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-four, two senators shall be chosen in each county for four years each. But as the term of one senator in each county will expire on the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-three, when no election will be held, to provide for this special case a senator shall be chosen in each county, at the election held on the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-two for one year, to succeed the senator for such county whose term will expire on the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-three, and to continue in office until the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-four, when two senators shall be chosen in each county as afore-provided.

§ 4. The term of office of the present governor shall not be vacated nor extended by any amendment made to the constitution in this convention; but the said office shall continue during the original term thereof; but the ninth and fourteenth sections of the third article of this constitution shall be immedidiately in force as amended. An election for governor shall be held on the second Tuesday of November in the year of our Lord one thousand eight hundred and thirty-two.

§ 5. This constitution as amended, so far as shall concern the judicial department, shall commence and be in operation from and after the third Tuesday of January, in the year of our Lord one thousand eight hundred and thirty-two. All the courts of justice now existing shall continue with their present jurisdiction, and the chancellor and judges and the clerks of the said courts shall continue in office until the said third Tuesday of January, in the year of our Lord one thousand eight hundred and thirty-two; upon which day the said courts shall be abolished, and the offices of the said chancellor, judges, and clerks shall expire. All writs of error and appeals and proceedings which, on the third Tuesday of January in the year of our Lord one thousand eight hundred and thirty-two shall be depending in the high court of errors and appeals, and all the

books, records, and papers of said court shall be transferred to the court of errors and appeals established by this amended constitution; and the said writs of error, appeals, and proceedings shall be proceeded in in the said court of errors and appeals to final judgment, decree, or other determination.

All suits, proceedings and matters which, on the third Tuesday of January in the year of our Lord one thousand eight hundred and thirty-two, shall be depending in the supreme court or court of common pleas, and all books, records, and papers of the said courts shall be transferred to the superior court established by this amended constitution, and the said suits, proceedings, and matters shall be proceeded in to final judgment or determination in the said superior court. All indictments, proceedings and matters which, on the third Tuesday of January in the year of our Lord one thousand eight hundred and thirty-two, shall be depending in the court of general quarter sessions of the peace and gaol delivery, shall be transferred to and proceeded in to final judgment and determination in the court of general sessions of the peace and gaol delivery established by this amended constitution, and all books, records, and papers of said court of general quarter sessions of the peace and gaol delivery shall be transferred to the said court of general sessions of the peace and gaol delivery. All suits, proceedings, and matters which, on the third Tuesday of January, in the year of our Lord one thousand eight hundred and thirty-two, shall be depending in the court of chancery or in the orphans' court, and all records, books, and papers of said courts respectively, shall be transferred to the court of chancery or orphans' court respectively, established by this amended constitution, and the said suits, proceedings, and matters shall be proceeded in to final decree, order or other determination.

§ 6. The register's courts and justices of the peace shall not be affected by any amendments of the constitution made in this convention; but the said courts and the terms of office of registers and justices of the peace shall remain the same, as if said amendments had not been made.

§ 7. The general assembly shall have power to make any law necessary to carry into effect this amended constitution.

§ 8. The provision in the twentieth section of the sixth article of this amended constitution (being the thirteenth section of the sixth article of the original constitution) of limitation of writs of error, shall have relation to, and take date from, the twelfth day of June in the year of our Lord one thousand seven hundred and ninety-two, the date of said original constitution.

§ 9. The governor shall have power to issue writs of election to supply vacancies in either house of the general assembly that have happened or may happen.

§ 10. It is declared that nothing in this amended constitution gives a writ of error from the court of errors and appeals to the

court of oyer and terminer or court of general sessions of the peace and gaol delivery, nor an appeal from the court of general sessions of the peace and gaol delivery.

The acts of the general assembly, increasing the number of justices of the peace, shall remain in force until repealed by the general assembly; and no office shall be vacated by the amendments to this constitution, unless the same be expressly vacated thereby, or the vacating the same is necessary to give effect to the amendments.

Done in convention, the second day of December, in the year of our Lord one thousand eight hundred and thirty-one, and of the Independence of the United States of America, the fifty-sixth. In testimony whereof, we have hereunto subscribed our names.

CHARLES POLK, *President.*

Thomas Adams,	James C. Lynch,
John Caulk,	James B. Macomb,
John M. Clayton,	Joseph Maull,
Peter L. Cooper,	Elias Naudain,
Thomas Deakyne,	William Nicholls,
Edw. Dingle,	Samuel Ratcliff,
Wm. Dunning,	John Raymond,
John Elliott,	Geo. Read, Jun'r.
James Fisher,	Henry F. Rodney,
William Hall,	James Rogers,
Thomas W. Handy,	Wm. Seal,
John Harlan,	P. Spruance, Jr.
Charles H. Haughey,	Wm. D. Waples.
Hughitt Layton,	

(Attest,) W. P. Brobson, *Secretary.*



CONSTITUTION OF MARYLAND.*

The Declaration of Rights, and the Constitution and Form of Government of the State of Maryland.

THE DECLARATION OF RIGHTS.

The parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and, in pursuance of such claim, endeavoured, by force of arms, to subjugate the united colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent

* Such parts of the original constitution, or the amendments thereto, as have been altered or abolished, are printed in brackets.

states, and to assume government under the authority of the people: Therefore,

We, the delegates of Maryland, in free and full convention assembled, taking into our most serious consideration the best means of establishing a good constitution in this state, for the sure foundation and more permanent security thereof, declare:

1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

2. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration; and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used, and practised by the courts of law or equity; and also to all acts of assembly, in force on the first of June, seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be, altered by acts of convention, or this declaration of rights—subject nevertheless, to the revision of, and amendment or repeal by, the legislature of this state: and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his majesty Charles I. to Cæcilius Calvert, baron of Baltimore.

4. That all persons invested with the legislative or executive powers of government, are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and the public liberty manifestly endangerd, and all other means of redress are ineffectual, the people may, and of right ought to do, reform the old, or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

5. That the right, in the people, to participate in the legislature, is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to, the community, ought to have a right of suffrage.

6. That the legislative, executive, and judicial powers of government, ought to be for ever separate and distinct from each other.

7. That no power of suspending laws, or the execution of laws, unless by, or derived from, the legislature, ought to be exercised or allowed.

8. That freedom of speech and debate, or proceedings, in

the legislature, ought not to be impeached in any other court of judicature.

9. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of public records; and the legislature ought not to be convened or held at any other place, but from evident necessity.

10. That, for redress of grievances, and for amending, strengthening, and preserving the laws, the legislature ought to be frequently convened.

11. That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

12. That no aid, charge, tax, burthen, fee or fees, ought to be set, rated, or levied, under any pretence, without consent of the legislature.

13. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of government; but every other person in the state ought to contribute his proportion of public taxes, for the support of government, according to his actual worth, in real or personal property, within the state; yet fines duties, or taxes, may properly and justly be imposed or laid, with political view, for the good government and benefit of the community.

14. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time hereafter.

15. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made.

16. That no law to attaint particular persons of traason or felony, ought to be made in any case, or any time hereafter.

17. That every freeman, for any injury done him in his person or property, ought to have remedy, by the course of the law of the land, and ought to have justice and right, freely, without sale, fully, without any denial, and speedily, without delay, according to the law of the land.

18. That the trial of facts where they arise is one of the greatest securities of the lives, liberties, and estates of the people.

19. That, in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him, on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

20. That no man ought to be compelled to give evidence against himself, in a court of common law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

21. That no freeman ought to be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land.

22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

23. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place or the person in special, are illegal and ought not to be granted.

24. That there ought to be no forfeiture of any part of the estate of any person, for any crime except murder, or treason against the state, and then only on conviction and attainder.

25. That a well regulated militia is the proper and natural defence of a free government.

26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

27. That, in all cases and at all times, the military ought to be under strict subordination to, and control of, the civil power.

28. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and in time of war, in such manner only as the legislature shall direct.

29. That no person, except regular soldiers, mariners, and marines in the service of this state, or militia when in actual service, ought in any case to be subject to, or punishable by, martial law.

30. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore, the chancellor and judges ought to hold commissions during good behaviour; and the said chancellor and judges shall be removed for misbehaviour, on conviction in a court of law, and may be removed by the governor, upon the address of the general assembly: provided, that two-thirds of all the members of each house concur in such address. That salaries, liberal, but not profuse, ought to be secured to the chancellor and the judges during the continuance of their commissions, in such manner, and at such times, as the legislature shall hereafter direct, upon consideration of the circumstances of this state.

No chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

31. That a long continuance in the first executive department of power or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

32. That no person ought to hold, at the same time, more than one office of profit, nor ought any person in public trust to receive any present from any foreign prince or state, or from the United States, or any of them, without the approbation of this state.

33. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights: nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any particular place of worship or any particular ministry; [yet the legislature may, in their discretion, lay a general and equal tax for the support of the christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county:] but the churches, chapels, glebes, and all other property, now belonging to the church of England, ought to remain to the church of England for ever. And all acts of assembly lately passed, for collecting moneys for building or repairing particular churches or chapels of ease, shall continue in force, and be executed, unless the legislature shall, by act, supersede or repeal the same: but no county court shall assess any quantity of tobacco, or sum of money, hereafter, on the application of any vestry-men or church-wardens; and every incumbent of the church of England, who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the act entitled "an act for the support of the clergy of the church of England in this province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish, and performed his duty.

34. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of, or in trust for, any minister, public teacher,

or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit, and also every devise of goods or chattels to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, without the leave of the legislature, shall be void, except always any sale, gift, lease, or devise of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose, or such sale, gift, lease, or devise, shall be void.

35. That other no test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office, as shall be directed by this convention or the legislature of this state, and a declaration of a belief in the christian religion.

36. That the manner of administering an oath to any person, ought to be such as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation by the attestation of the divine Being; and that the people called Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that Quakers have been heretofore allowed to affirm; and to be of the same avail as an oath in all such cases as the affirmation of Quakers hath been allowed and accepted within this state instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded, and Quakers, Tunkers, or Menonists, ought also, on their solemn affirmation aforesaid, to be admitted as witnesses in all criminal cases [not capital.]

37. That the city of Annapolis ought to have all its rights, privileges, and benefits, agreeable to its charter and the acts of assembly confirming and regulating the same, subject, nevertheless, to such alterations as may be made by this convention or any future legislature.

38. That the liberty of the press ought to be inviolably preserved.

39. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

40. That no title of nobility, or hereditary honours, ought to be granted in this state.

41. That the subsisting resolves of this and the several conven-

tions held for this colony, ought to be in force as laws, unless altered by this convention, or the legislature of this state.

42. That this declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed, or abolished by the legislature of this state, but in such manner as this convention shall prescribe and direct.

This declaration of rights was assented to and passed, in convention of the delegates of the freemen of Maryland, begun and held at Annapolis, the 14th day of August, A.D. 1776.

By order of the convention.

MAT. TILGHMAN, *Prest.*

The Constitution and Form of Government.

1. That the legislature consist of two distinct branches, a senate, and house of delegates, which shall be styled, the general assembly of Maryland.

2. That the house of delegates shall be chosen in the following manner: all freemen [above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this state above the value of thirty pounds current money, and having resided in the county in which they offer to vote one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen so] qualified shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties in which they are respectively qualified to vote, [at the court house in the said counties, or at such other place as the legislature shall direct;] and, when assembled, they shall proceed to elect, [*viva voce,*] four delegates for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen one whole year next preceding the election, above twenty-one years of age, [and having in the state real or personal property above the value of five hundred pounds current money;] and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective county.

3. [That the sheriff of each county, or, in case of sickness, his deputy, (summoning two justices of the county, who are required to attend for the preservation of the peace,) shall be judge of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his return thereof, under his hand, to the chancellor of this state for the time being.]

4. That all persons, qualified by the charter of the city of Annapolis to vote for burgesses, shall, on the same first Mon-

day of October, seventeen hundred and seventy-seven, and on the same day in every year for ever thereafter, elect, [*viva voce*,] by a majority of votes, two delegates, qualified agreeable to the said charter; [that the mayor, recorder, and aldermen of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day, as aforesaid; and shall make return thereof as aforesaid; but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county, distinct from the city.]

5. That all persons, inhabitants of Baltimore town, and having the same qualifications as electors in the county, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year for ever thereafter, [at such place in the said town as the judges shall appoint,] elect, [*viva voce*,] by a majority of votes, two delegates, [qualified as aforesaid;] but, if the said inhabitants of the town shall so decrease, as that the number of persons having a right of suffrage therein shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this state, such town shall thenceforward cease to send two delegates or representatives to the house of delegates, until the said town shall have one half of the number of voters in some one county in this state.

6. That [the commissioners of the said town, or any three or more of them, for the time being, shall be judges of the said election, and may adjourn as aforesaid, and shall make return thereof as aforesaid; but] the inhabitants of the said town shall not be entitled to vote for, or be elected, delegates for Baltimore county: neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected, delegates for the said town.

7. That, on refusal, death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor or member of the council, a warrant of election shall issue by the speaker, for the election of another in his place; of which ten day's notice at the least (excluding the day of notice and the day of election) shall be given.

8. That not less than a majority of the delegates, with their speaker, (to be chosen by them by ballot), constitute a house for the transaction of any business, other than that of adjourning.

9. That the house of delegates shall judge of the elections and qualifications of delegates.

10. That the house of delegates may originate all money bills, propose bills to the senate, or receive those offered by that body, and assent, dissent, or propose amendments; that they may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, may commit any person, for any crime, to the public jail,

there to remain till he be discharged by due course of law. They may expel any member for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their inquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty.

11. That the senate may be at full and perfect liberty to exercise their judgment in passing laws; and that they may not be compelled by the house of delegates, either to reject a money bill, which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment injurious to the public welfare, the house of delegates shall not, on any occasion, or under any pretence, annex to, or blend with, a money bill, any matter, clause, or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies to be raised for the support of government, or the current expenses of the state; and to prevent altercation about such bills, it is declared, that no bill imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill assessing, levying, or applying taxes or supplies for the support of government or the current expenses of the state, or appropriating money in the treasury, shall be deemed a money bill.

12. That the house of delegates may punish, by imprisonment, any person, who shall be guilty of a contempt, in their view, by any disorderly or riotous behaviour, or by threats to, or abuse of, their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from, the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to or from the house, or by rescuing any person committed by the house, and the senate may exercise the same power, in similar cases.

13. That the treasurers (one for the western, and another for the eastern shore) and the commissioners of the loan office, may be appointed by the house of delegates, during their pleasure; and, in case of a refusal, death, resignation, disqualification, or removal out of the state, of any of the

commissioners or treasurers, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next general assembly.

14. That the senate be chosen in the following manner: all persons qualified [as aforesaid,] to vote for county delegates, shall, on the first Monday of September, 1781, and on the same day in every fifth year for ever thereafter, elect, [*viva voce*,] by a majority of votes, two persons for their respective counties (qualified [as aforesaid,] to be elected county delegates,) to be electors of the senate: [and the sheriff of each county, or, in case of sickness, his deputy (summoning two justices of the county, who are required to attend for the preservation of peace,) shall hold and be judge of the said election, and make return thereof, as aforesaid.] And all persons qualified [as aforesaid,] to vote for delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September, 1781, and on the same day in every fifth year for ever thereafter, elect, [*viva voce*,] by a majority of votes, one person for the said city and town respectively, qualified [as aforesaid,] to be elected a delegate for the said city and town respectively; the said election to be held in the same manner, as the election of delegates for the said city and town; the right to elect the said elector, with respect to Baltimore town, to continue as long as the right to elect delegates for the said town.

15. That the said electors of the senate meet at the city of Annapolis, or such other place as shall be appointed for convening the legislature, on the third Monday in September, 1781, and on the same day in every fifth year for ever thereafter; and they, or any twenty-four of them, so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen senators, (nine of whom to be residents on the western, and six to be residents on the eastern shore,) men of the most wisdom, experience, and virtue, above twenty-five years of age, residents of the state above three whole years next preceding the election, [and having therein real and personal property, above the value of one thousand pounds, current money.]

16. That the senators shall be balloted for at one and the same time; and out of the gentlemen, residents of the western shore, who shall be proposed as senators, the nine who shall, on striking the ballots, appear to have greatest numbers in their favour, shall be accordingly declared and returned duly elected; and out of the gentlemen, residents on the eastern shore, who shall be proposed as senators, the six who shall, on striking the ballots, appear to have the greatest numbers in their favour, shall be accordingly declared and returned duly

elected; and if two or more, on the same shore, shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons who on the first ballot shall have had an equal number; and they who shall have the greatest number in their favour on the second ballot, shall be accordingly declared and returned duly elected; and if the whole number should not thus be made up, because of an equal number on the second ballot still being in favour of two or more persons, then the election shall be determined by lot between those who have equal numbers; which proceedings of the electors shall be certified under their hands, and returned to the chancellor for the time being.

17. That the electors of senators shall judge of the qualifications and elections of members of their body; and on a contested election shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favour.

18. That the electors, immediately on their meeting, and before they proceed to the election of senators, take such oath of support and fidelity to this state, as this convention or the legislature shall direct, and also an oath "to elect without favour, affection, partiality, or prejudice, such persons for senators, as they in their judgment and conscience believe best qualified for the office."

19. That, in case of refusal, death, resignation, disqualification, or removal out of this state of any senator, or on his becoming governor, or a member of the council, the senate shall, immediately thereupon, or at their next meeting thereafter, elect by ballot (in the same manner as the electors are above directed to choose senators) another in his place, for the residue of the said term of five years.

20. That not less than a majority of the senate, with their president, (to be chosen by them by ballot,) shall constitute a house for the transacting any business other than that of adjourning.

21. That the senate shall judge of the elections and qualification of senators.

22. That the senate may originate any other, except money bills, to which their assent or dissent only shall be given: and may receive any other bills from the house of delegates, and assent, dissent, or propose amendments.

23. That the general assembly meet annually, [on the first Monday of November,] and, if necessary, oftener.

24. That each house shall appoint its own officers, and settle its own rules of proceeding.

25. That a person of wisdom, experience, and virtue, shall be chosen governor, [on the second Monday of November,

seventeen hundred and seventy-seven, and on the second Monday in every year for ever thereafter,] by the joint ballot of both houses, (to be taken in each house respectively) deposited in a conference room; the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both houses shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favour, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons who on the first ballot shall have had an equal number; and if the ballots should again be equal between two or more persons, then the election of the governor shall be determined by lot between those who have equal numbers; and if the person chosen governor shall die, resign, remove out of the state, or refuse to act, (sitting the general assembly,) the senate and house of delegates shall immediately thereupon proceed to a new choice, in manner aforesaid.

26. That the senators and delegates, [on the second Tuesday of November, seventeen hundred and seventy-seven, and annually on the second Tuesday of November, for ever thereafter,] elect by joint ballot (in the same manner as senators are directed to be chosen) five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, [and having therein a freehold of lands and tenements, above the value of one thousand pounds current money,] to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent; and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate or house of delegates, when called for by them or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state, as this convention, or the legislature, shall direct; and of secrecy, in such matters as he shall be directed by the board to keep secret.

27. [That the delegates to congress from this state, shall be chosen annually, or superseded in the mean time, by the joint ballot of both houses of assembly; and that there be a rotation, in such manner, that at least two of the number be annually changed; and no person shall be capable of being a delegate to congress for more than three in any term of six years; and no person who holds any office of profit in the gift of congress, shall be eligible to sit in congress; but if appointed to any such office, his seat shall be thereby vacated. That no person, unless above twenty-five years of age, and a resident

in the state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in congress.]

28. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator or delegate, before he acts as such, shall take an oath of support and fidelity to this state, as aforesaid; and before the election of a governor, or members of the council, shall take an oath, "to elect without favour, affection, partiality, or prejudice, such person as governor, or member of the council, as they, in their judgment and conscience, believe best qualified for the office."

29. That the senate and delegates may adjourn themselves respectively; but if the two houses shall not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days, or some day between; and the assembly shall then meet and be held accordingly: and he shall, if necessary, by advice of the council, call them before the time, to which they shall in any manner be adjourned, on giving not less than ten days' notice thereof: but the governor shall not adjourn the assembly, otherwise than as aforesaid, nor prorogue nor dissolve it at any time.

30. That no person, unless above twenty-five years of age, a resident in this state above five years next preceding the election, [and having in the state real and personal property above the value of five thousand pounds current money (one thousand pounds whereof, at least, to be of freehold estate)] shall be eligible as governor.

31. That the governor shall not continue in that office longer than three years successively, nor be eligible as governor until the expiration of four years after he shall have been out of that office.

32 That, upon the death, resignation, or removal out of this state, of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner, [and shall immediately call a meeting of] the general assembly [giving not less than fourteen day's notice of the meeting; at which] meeting a governor shall be appointed, in manner aforesaid, for the residue of the year.

33. That the governor, by and with the advice and consent of the council, may embody the militia; and, when embodied, shall alone have the direction thereof; and shall also have the direction of all the regular land and sea forces, under the laws of this state, (but he shall not command in person, unless advised thereto by the council, and then only so long as they shall approve thereof;) and may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state,

and grant reprieves or pardons, for any crime, except in such cases where the law shall otherwise direct; [and may, during the recess of the general assembly, lay embargoes to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year, summoning the general assembly to meet within the time of the continuance of such embargo;] and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she shall have come, shall, on strong grounds, be suspected to be infected with the plague; but the governor shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England or Great Britain.

34. That the members of the council, or any three or more of them, when convened, shall constitute a board for the transacting of business; that the governor, for the time being, shall preside in the council, and be entitled to a vote on all questions in which they shall be divided in opinion; and in the absence of the governor, the first named of the council shall preside, and, as such, shall also vote in all cases where the other members disagree in their opinion.

35. That, in cases of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect, by ballot, another person (qualified [as aforesaid]) in his place, for the residue of the year.

36. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practised in this state.

37. That no senator, delegate of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state, while he acts as such; and no person, holding a place of profit, or receiving any part of the profits thereof, or receiving the profits arising on any agency, for the supply of clothing or provisions for the army or navy, or holding any office under the United States, or any of them—or a minister, or preacher of the gospel, of any denomination—or any person employed in the regular land service, or marine, of this, or the United States, shall have a seat in the general assembly, or in the council of this state.

38. That every governor, senator, delegate to [congress or] assembly; and member of the council, before he acts as such, shall take an oath, "that he will not receive, directly or indi-

rectly, at any time, any part of the profits of any office held by any other person, during his acting in his office of governor, senator, delegate to [congress, or] assembly, or member of the council, or the profits, or any part of the profits, arising on any agency, for the supply of clothing or provisions for the army or navy."

39. That, if any senator, delegate to [congress, or] assembly, or member of the council, shall hold or execute any office of profit, or receive, directly or indirectly, at any time, the profits, or any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to [congress, or] assembly, or member of the council—his seat (on conviction in a court of law, by the oath of two credible witnesses,) shall be void; and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may adjudge.

40. That the chancellor, [all judges,] the attorney general, [clerks of the general court,] the clerks of the county courts, the registers of the land office, and the registers of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

41. That there be a register of wills appointed for each county, who shall be commissioned by the governer, on the joint recommendation of the senate and house of delegates; and that, upon the death, resignation, disqualification, or removal out of the county, by any register of wills, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the general assembly.

42. That sheriffs shall be elected in each county, by ballot, every third year; that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor, for the said office; and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security to be taken every year as usual: and no sheriff shall be qualified to act before the same be given. In case of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the three years, the other person, chosen as aforesaid, shall be commissioned by the governor, to execute the said office for the residue of the said three years, the said person giving bond with security as aforesaid; and, in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of council, may nominate and commission a fit and proper person to exe-

cute the said office for the residue of the said three years, the said person giving bond and security as aforesaid. The election shall be held at the same time and place appointed for the election of delegates; [and the justices there summoned to attend for the preservation of the peace, shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots. All freemen, above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein—and all freemen, above the age of twenty-one years, and having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot one whole year next preceding the election—shall have a right of suffrage.] No person to be eligible to the office of sheriff for a county, but an inhabitant of the said county, above the age of twenty-one years, [and having real and personal property in the state above the value of one thousand pounds, current money.] The justices [aforesaid] shall examine the ballots; and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.

43. That every person who shall offer to vote for delegates, or for the electors of the senate, or for the sheriff, shall, (if required by any three persons qualified to vote,) before he be admitted to poll, take such oath or affirmation of support and fidelity to this state, as this convention or the legislature shall direct.

44. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.

45. [That no field officer of the militia shall be eligible as a senator, delegate, or member of the council.]

46. That all civil officers, hereafter to be appointed for the several counties of this state, shall have been residents of the county respectively for which they shall be appointed, six months next before their appointment; and shall continue residents of their county respectively during their continuance in office.

47. That the judges of [the general court and justices of] the county courts, may appoint the clerks of their respective courts; [and, in case of refusal, death, resignation, disqualification, or removal out of the state, or from their respective shores, of the clerks of the general court, or either of them, in the vacation of the said court]—and, in case of refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the county court of which he is clerk—the governor, with the advice of the coun-

cil, may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next [general court, or] county court, as the case may be.

48. That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney general, [naval officers,] officers in the regular land and sea service, officers of the militia, registers of the land office, surveyors, and all other civil officers of government, (assessors, constables, and overseers of the roads, only excepted,) and may also suspend or remove any civil officer, who has not a commission during good behaviour; and may suspend any militia officer for one month; and may also suspend or remove any regular officer in the land or sea service; and the governor may remove or suspend any militia officer, in pursuance of the judgment of a court martial.

49. That all civil officers, of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually [in the third week of November.] But, if any of them shall be reappointed, they may continue to act without any new commission or qualification; and every officer, though not reappointed, shall continue to act until the person who shall be appointed and commissioned in his stead shall be qualified.

50. That the governor, every member of the council, and every judge and justice, before they act as such, shall respectively take an oath "that he will not, through favour, affection, or partiality, vote for any person to office, and that he will vote for such person as in his judgment and conscience he believes most fit and best qualified for the office: and that he has not made, nor will make, any promise or engagement to give his vote or interest in favour of any person."

51. That there be two registers of the land office, one upon the western and one upon the eastern shore; that short extracts of the grants and certificates of the land on the western and eastern shores respectively, be made in separate books, at the public expense, and deposited in the offices of the said registers, in such manner as shall hereafter be provided by the general assembly.

52. That every chancellor, judge, register of wills, commissioner of the loan office, attorney general, sheriff, treasurer, [naval officer,] register of the land office, register of the chancery court, and every clerk of the common law courts, surveyor, and auditor of the public accounts, before he acts as such, shall take an oath "that he will not, directly or indirectly, receive any fee or reward for doing his office of ——, but what is, or shall be, allowed by law; nor will, directly or indirectly, receive the profits or any part of the profits of any office

held by any other person: and that he does not hold the same office in trust, or for the benefit of any other person."

53. That, if any governor, chancellor, judge, register of wills, attorney general, register of the land office, commissioners of the loan office, register of the chancery court, or any clerk of the common law courts, treasurer, [naval officer,] sheriff, surveyor, or auditor of public accounts, shall receive, directly or indirectly, at any time, the profits or any part of the profits of any office, held by any other person, during his acting in the office to which he is appointed, his election, appointment, and commission, (on conviction in a court of law, by the oath of two credible witnesses,) shall be void, and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state for ever, or disqualified for ever from holding any office or place of trust or profit, as the court may adjudge.

54. That, if any person shall give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be governor, senator, delegate to [congress, or] assembly, member of the council, or judge, or to be appointed to any one of the said offices, or to any office of profit or trust, now created, or hereafter to be created, in this state—the person giving, and the person receiving the same, (on conviction in a court of law,) shall be for ever disqualified to hold any office of trust or profit in this state

55. That every person appointed to any office of profit or trust, shall, before he enters on the execution thereof, take the following oath, to wit: "I, A. B., do swear, that I do not hold myself bound in allegiance to the king of Great Britain, and that I will be faithful, and bear true allegiance, to the state of Maryland," and shall also subscribe a declaration of his belief in the christian religion.

56. That there be a court of appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive in all cases of appeal [from the general court, court of chancery, and court of admiralty:] that one person of integrity and sound judgment in the law be appointed chancellor: [that three persons of integrity and sound judgment in the law be appointed judges of the court now called the provincial court: and that the same court be hereafter called and known by the name of the general court: which court shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint.]

57. That the style of all laws run thus: "Be it enacted by the general assembly of Maryland;" that all public commissions and grants run thus: "The state of Maryland," &c. and

shall be signed by the governor, and attested by the chancellor, with the seal of the state annexed—except military and militia commissions, which shall not be attested by the chancellor, or have the seal of the state annexed; that all writs shall run in the same style, and be tested, sealed, and signed as usual; that all indictments shall conclude, "against the peace, government, and dignity of the state"

58. That all penalties and forfeitures, heretofore going to the king or proprietary, shall go to the state—save only such as the general assembly may abolish or otherwise provide for.

59. That this form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election: Provided, that nothing in this form of government, which relates to the eastern shore particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof, at least two-thirds of all the members of each branch of the general assembly shall concur.

60. That every bill passed by the general assembly, when engrossed, shall be presented by the speaker of the house of delegates, in the senate, to the governor for the time being, who shall sign the same, and thereto affix the great seal, in the presence of the members of both houses: every law shall be recorded [in the general court office of the western shore,] and in due time printed, published, and certified under the great seal, to the several county courts, in the same manner as hath been heretofore used in this state.

This form of government was assented to, and passed in convention of the delegates of the freemen of Maryland, begun and held at the city of Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention:

M. TILGHMAN, *President.*

AMENDMENTS

TO THE CONSTITUTION OF MARYLAND.

ART. 1. Be it enacted by the general assembly of Maryland, [That all those parts of the constitution and form of government, that prevent a citizen conscientiously scrupulous of taking an oath in any case, and who are permitted by the constitution to affirm in certain cases, from taking a seat in the

legislature, or from being an elector of the senate without taking an oath of support to this government, shall be, and hereby are repealed, abrogated, and made null and void; and hereafter a solemn affirmation or declaration of support to this government, may be taken and shall be received instead of an oath, by any citizen chosen a delegate or elector of the senate, conscientiously scrupulous of taking an oath in any case, and who is permitted by the constitution to affirm in certain cases.]—Passed November, 1788, ch. 42—confirmed 1789, ch. 1.

2. That no member of congress, or person holding any office of trust or profit under the United States, shall be capable of having a seat in the general assembly, or being an elector of the senate, or holding any office of trust or profit under this state; and if any member of the general assembly, elector of the senate, or person holding any office of trust or profit under this state, shall take his seat in congress, or accept of an office of trust or profit under the United States, or being elected to congress, or appointed to any office of trust or profit under the United States, not make his resignation of his seat in congress, or of his office, as the case may be, within thirty days after notice of his election or appointment to office, as aforesaid, his seat in the legislature of this state, or as elector of the senate, or of his office held under this state as aforesaid, shall be void: Provided, that no person who is now or may be at any time when this act becomes part of the constitution, a member both of congress and of the legislature of the state, or who now holds, or may hold, at the time when this act becomes part of the constitution, an office as aforesaid, both under this state and the United States, shall be affected by this act, if, within fifteen days after the same shall become part of the constitution, he shall resign his seat in congress, or his office held under the United States.—Passed 1791, ch. 80—confirmed 1792, ch. 22.

3. That every person, being a member of either of the religious sects or societies called Quakers, Menonists, Tunkers, or Nicolites, or New Quakers, and who shall be conscientiously scrupulous of taking an oath on any occasion, being otherwise qualified and duly elected a senator, delegate or elector of the senate, or being otherwise qualified and duly appointed or elected to any office of profit or trust, on making affirmation instead of taking the several oaths appointed by the constitution and form of government, and the several acts of assembly of this state now in force, or that hereafter may be made, such person may hold and exercise any office of profit or trust to which he may be appointed or elected, and may, by such affirmation, qualify himself to take a seat in the legislature, and to act therein as a member of the same in all cases whatever, or to be an elector of the senate, in as full and ample a manner, to all intents and purposes whatever, as persons are now competent and qualified to act, who are not conscientiously scrupu-

lous of taking such oaths.—Passed, 1794, ch. 49, confirmed 1795, ch. 11.

4. [That the mayor and second branch of the city council of the city of Baltimore, or any three or more of them, for the time being, shall be judges of the elections for delegates of the city of Baltimore, and for elector of the senate, and shall have and exercise all the rights and authorities respecting such elections, which were vested in the commissioners of Baltimore town, in virtue of the constitution and form of government.]—Passed 1797, ch. 57—confirmed 1798, ch. 2.

5. That the people called Quakers, those called Nicolites, or New Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, shall be allowed to make their solemn affirmation as witnesses, in the manner that Quakers have been heretofore allowed to affirm, which affirmation shall be of the same avail as an oath, to all intents and purposes whatever.

§ 2. Before any of the persons aforesaid shall be admitted as a witness in any court of justice in this state, the court shall be satisfied, by such testimony as they may require, that such person is one of those who profess to be conscientiously scrupulous of taking an oath.—Passed 1797, ch. 118—confirmed 1798, ch. 83.

ART. 6. That the several counties of this state, for the purpose of holding all future elections for delegates, electors of the senate, and sheriffs of the several counties, shall be divided into separate districts, in the manner hereinafter directed, viz. St. Mary's county shall be divided and laid off into [three] separate districts, Kent county shall be divided and laid off into three separate districts; Calvert county shall be divided and laid off into three separate districts; Charles county shall be divided and laid off into four separate districts; Talbot county shall be divided and laid off into four separate districts; Somerset county shall be divided and laid off into three separate districts; Dorchester county shall be divided and laid off into three separate districts; Cecil county shall be divided and laid off into four separate districts; Prince George's county shall be divided and laid off into five separate districts; Queen Anne's county shall be divided and laid off into three separate districts; Worcester county shall be divided and laid off into five separate districts; Frederick county shall be divided and laid off into [seven] separate districts; Harford county shall be divided and laid off into five separate districts; Caroline county shall be divided and laid off into three separate districts; Washington county shall be divided and laid off into five separate districts; Montgomery county shall be divided and laid off into five separate districts; Alleghany county shall be divided and laid off into six separate districts; Anne Arundel county, including the city of Annapolis, shall be divided and laid off into five separate districts; Balti-

more county, out of the limits of the city of Baltimore, shall be divided and laid off into seven districts; and that the city of Baltimore shall be laid off into eight districts.

§ 2. All and every part of the constitution and form of government, relating to the judges, time, place, and manner of holding elections in the city of Baltimore, and all and every part of the second, third, fifth, fourteenth, and forty-second sections of the constitution and form of government of this state, which relate to the judges, place, time, and manner of holding the several elections for delegates, electors of the senate, and the sheriffs of the several counties, be and the same are hereby abrogated, repealed, and annulled, and the same shall hereafter be regulated by law.—Passed 1798, ch. 115—confirmed 1799, ch. 48.

Art. 7. [That every free white male citizen of this state, and no other, above twenty-one years of age, having resided twelve months in the county next preceding the election at which he offers to vote, and every free white male citizen of this state, above twenty-one years of age, and having obtained a residence of twelve months next preceding the election, in the city of Baltimore, or the city of Annapolis, and at which he offers to vote, shall have a right of suffrage, and shall vote by ballot, in the election of such county or city, or either of them; for delegates to the general assembly, electors of the senate, and sheriffs.]—Passed 1801, ch. 90—confirmed, 1802, ch. 20.

8. That Frederick county shall be divided and laid off into nine separate districts.—Passed 1802, ch. 82—confirmed 1803. ch. 19.

9. That this state shall be divided into six judicial districts, in manner and form following, to wit: St. Mary's, Charles, and Prince George's counties, shall be the first district; Cecil, Kent, Queen Anne's, and Talbot counties, shall be the second district; Calvert, Anne Arundel and Montgomery counties, shall be the third district, Caroline, Dorchester, Somerset, and Worcester counties, shall be the fourth district: Frederick, Washington, and Alleghany counties, shall be the fifth district; Baltimore and Harford counties, shall be the sixth district; and there shall be appointed for each of the said judicial districts, three persons of integrity and sound legal knowledge, residents of the state of Maryland, who shall, previous to, and during their acting as judges, reside in the district for which they shall respectively be appointed, one of whom shall be styled in the commission chief judge, and the other two associate judges of the district for which they shall be appointed; and the chief judge, together with the two associate judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behaviour; removable for misbehaviour, on conviction in a court of law, or shall be removed by the governor, upon the address of the

general assembly, provided that two-thirds of the members of each house concur in such address; and the county courts, so as aforesaid established, shall have, hold, and exercise, in the several counties of this state, all and every the powers, authorities, and jurisdictions, which the county courts of this state now have, use, and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act, shall respectively hold their sessions in the several counties, at such times and places as the legislature shall direct and appoint; and the salaries of the said judges shall not be diminished during the period of their continuance in office.

§ 2. In any suit or action at law hereafter to be commenced or instituted in any county court of this state, the judges thereof, upon suggestion in writing, by either of the parties thereto, supported by affidavit, or other proper evidence, that a fair and impartial trial cannot be had in the county court of the county where such suit or action is depending, shall and may order and direct the record of their proceedings in such suit or action, to be transmitted to the judges of any county court within the district, for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; provided, nevertheless, that such suggestion shall be made as aforesaid, before or during the term in which the issue or issues may be joined in said suit or action; and provided also, that such further remedy may be provided by law in the premises, as the legislature shall, from time to time, direct and enact.

§ 3. If any party presented or indicted, in any of the county courts of this state, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial cannot be had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution, to be transmitted to the judges of any adjoining county court, for trial; and the judges of such adjoining county court, shall hear and determine the same, in the same manner as if such prosecution had been originally instituted therein: Provided, that such further and other remedy may be provided by law in the premises as the legislature may direct and enact.

§ 4. If the attorney general, or the prosecutor for the state, shall suggest, in writing, to any county court before whom an indictment is or may be depending, that the state cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial; and the judges of such county court shall hear and

determine the same, as if such prosecution had been originally instituted therein.

§ 5. There shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the state; which said court of appeal shall hold, use, and exercise, all and singular the powers, authorities, and jurisdictions, heretofore held, used, and exercised, by the court of appeals of this state, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established, shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint; and any three of the said judges of the court of appeals, shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court, shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behaviour, removable only for misbehaviour, on conviction in a court of law; and, in case of death, resignation, disqualification, or removal out of the state, or from their respective shores, of either of the said clerks, in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore. Passed 1804, chap. 55—confirmed 1805, ch. 16.

Art. 10. That St. Mary's county shall be divided into four separate districts, and that the additional district shall be laid off adjoining and between the first and third districts, as they are now numbered.—Passed 1806, ch. 29.—confirmed 1807, ch. 8.

11. That, upon the death, resignation, or removal out of this state, of the governor, it shall not be necessary to call a meeting of the legislature, to fill the vacancy occasioned thereby, but the first named of the council for the time being, shall qualify and act as governor, until the next meeting of the general assembly, at which meeting a governor shall be chosen in the manner heretofore appointed and directed.

§ 2. No governor shall be capable of holding any other office of profit during the time for which he shall be elected. Passed June, 1809, ch. 16—confirmed November, 1809, ch. 11.

Art. 12. That all such parts of the constitution and form of government, as require a property qualification in persons to be appointed or holding offices of profit or trust in this state,

and in persons elected members of the legislature or electors of the senate, shall be and the same are hereby repealed and abolished.—Passed November, 1809, ch. 198—confirmed 1810, ch. 18.

13. That it shall not be lawful for the general assembly of this state to lay an equal and general tax, or any other tax, on the people of this state, for the support of any religion.—Passed November, 1809, ch. 167—confirmed 1810, ch. 24.

14. That every free white male citizen of this state, above twenty-one years of age, and no other, having resided twelve months within this state, and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for electors of the president and vice president of the United States, for representatives of this state in the congress of the United States, for delegates to the general assembly of this state, electors of the senate, and sheriffs.—Passed November, 1809, ch. 83—confirmed 1810, ch. 33.

15. That no person residing in the city of Annapolis shall have a vote in the county of Anne Arundel, for delegates for the said county: and all and every part of the constitution which enables persons holding fifty acres of land to vote in said county, be and is hereby abolished.—Passed November, 1809, ch. 38—confirmed 1810, ch. 49.

16. That the forty-fifth article of the constitution and form of government, be and the same is hereby repealed and utterly abolished.—Passed November, 1809, ch. 65—confirmed 1810, ch. 78.

17. That the time of the meeting of the general assembly shall be on the first Monday in December, in each year, instead of the first Monday in November, as [is now] prescribed by the constitution and form of government.

§ 2. The governor of this state shall be chosen on the second Monday of December, in each and every year, in the same manner as is now precribed by the constitution and form of government; and the council to the governor shall be elected on the first Tuesday after the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government.

§ 3. All annual appointments of civil officers in this state, shall be made in the third week of December, in every year, in the same manner as the constitution and form of government now directs.—Passed 1811, ch. 211—confirmed November, 1812.

CONSTITUTION OF VIRGINIA.

BILL OF RIGHTS.

A Declaration of Rights made by the Representatives of the good People of VIRGINIA, *assembled in full and free Convention; which rights do pertain to them, and their Posterity, as the basis and foundation of Government. Unanimously adopted, June 12th,* 1776.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community: of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maleadministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator, or judge, to be hereditary.

5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

8. That, in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgment of his peers.

9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

11. That, in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases, the military should be under strict subordination to, and governed by, the civil power.

14. That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of *Virginia*, ought to be erected or established within the limits thereof.

15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

16. That religion, or the duty which we owe to our Creator,

and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

AN AMENDED CONSTITUTION

Or form of government for Virginia. Adopted Jan. 14*th*, 1830.

Whereas the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six: reciting and declaring, that whereas, George the Third, king of Great Britain and Ireland, and elector of Hanover, before that time entrusted with the exercise of the kingly office in the government of Virginia, had endeavoured to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his governors permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years; by refusing to pass certain other laws, unless the persons to be benefited by them would relinquish the inestimable right of representation in the legislature; by dissolving legislative assemblies repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved, by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavouring to prevent the population of our country, and for that purpose obstructing the laws for the naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us, for cutting off our trade with all parts of the world, for imposing taxes on us without our consent, for depriving us of the benefits of the trial by jury, for transporting us beyond seas to be tried for pretended offences, for suspending our own legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our peo-

ple; by inciting insurrections of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us, those very negroes, whom by an inhuman use of his negative he had refused us permission to exclude by law; by endeavouring to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions of existence; by transporting hither a large army of foreign mercenaries, to complete the work of death, desolation and tyranny, then already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of injuries; and finally, by abandoning the helm of government, and declaring us out of his allegiance and protection: by which several acts of misrule, the government of this country, as before exercised under the crown of Great Britain, was totally dissolved: did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced, unless some regular adequate mode of civil polity should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and declare a form of government of Virginia.

And whereas the general assembly of Virginia, by an act passed on the tenth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled, an act to organize a convention, did authorize and provide for the election, by the people, of delegates and representatives, to meet and assemble, in general convention, at the capital in the city of Richmond, on the first Monday of October in the year last aforesaid, to consider, discuss, and propose, a new constitution, or alterations and amendments of the existing constitution of this commonwealth, to be submitted to the people, and to be by them ratified or rejected.

We, therefore, the delegates and representatives of the good people of Virginia, elected and in convention assembled, in pursuance of the said act of assembly, do submit and propose to the people, the following amended constitution and form of government for this commonwealth, that is to say:

ARTICLE 1.

The Declaration of Rights made on the 12th June, 1776, by the representatives of the good people of Virginia assembled in full and free convention, which pertained to them and their posterity, as the basis and foundation of government; requiring in the opinion of this convention no amendment, shall be prefixed to this constitution, and have the same relation thereto as it had to the former constitution of this commonwealth.

ARTICLE 2.

The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of assembly.

ARTICLE 3.

1. The legislature shall be formed of two distinct branches, which together shall be a complete legislature, and shall be called the general assembly of Virginia.

2. One of these shall be called the house of delegates, and shall consist of one hundred and thirty-four members, to be chosen, annually, for and by the several counties, cities, towns and boroughs of the commonwealth; whereof thirty-one delegates shall be chosen for and by the twenty-six counties lying west of the Alleghany mountains; twenty-five, for and by the fourteen counties lying between the Alleghany and Blue Ridge of mountains; forty-two for and by the twenty-nine counties lying east of the Blue Ridge of mountains and above tide-water, and thirty-six, for and by the counties, cities, towns and boroughs lying upon tide-water, that is to say: Of the twenty-six counties lying west of the Alleghany, the counties of Harrison, Montgomery, Monongalia, Ohio and Washington, shall each elect two delegates; and the counties of Brooke, Cabell, Grayson, Greenbrier, Giles, Kanawha, Lee, Lewis, Logan, Mason, Monroe, Nicholas, Pocahontas, Preston, Randolph, Russel, Scott, Tazewell, Tyler, Wood and Wythe, shall each elect one delegate. Of the fourteen counties lying between the Alleghany and Blue Ridge, the counties of Frederick and Shenandoah, shall each elect three delegates; the counties of Augusta, Berkely, Botetourt, Hampshire, Jefferson, Rockingham and Rockbridge, shall each elect two delegates; and the counties of Alleghany, Bath, Hardy, Morgan, and Pendleton, shall each elect one delegate. Of the twenty-nine counties lying east of the Blue Ridge and above tide-water, the county of Loudoun, shall elect three delegates; the counties of Albemarle, Bedford, Brunswick, Buckingham, Campbell, Culpeper, Fauquier, Franklin, Halifax, Mecklenburg and Pittsylvania, shall each elect two delegates; and the counties of Amelia, Amherst, Charlotte, Cumberland, Dinwiddie, Fluvanna, Goochland, Henry, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Patrick, Powhatan and Prince Edward, shall each elect one delegate. And of the counties, cities, towns and boroughs lying on tide-water, the counties of Accomack and Norfolk, shall each elect two delegates; the counties of Caroline, Chesterfield, Essex, Fairfax, Greenesville, Gloucester, Hanover, Henrico, Isle of Wight, King and Queen,

King William, King George, Nansemond, Northumberland, Northampton, Princess Anne, Prince George, Prince William, Southampton, Spottsylvania, Stafford, Sussex, Surry, and Westmoreland, and the city of Richmond, the borough of Norfolk, and the town of Petersburg shall each elect one delegate; the counties of Lancaster and Richmond, shall together elect one delegate; the counties of Matthews and Middlesex, shall together elect one delegate; the counties of Elizabeth City and Warwick, shall together elect one delegate; the counties of James City and York, and the city of Williamsburg, shall together elect one delegate: and the counties of New Kent and Charles City, shall together elect one delegate.

3. The other house of the general assembly shall be called the Senate, and shall consist of thirty-two members, of whom thirteen shall be chosen for and by the counties lying west of the Blue Ridge of mountains, and nineteen for and by the counties, cities, towns and boroughs lying east thereof; and for the election of whom, the counties, cities, towns and boroughs shall be divided into thirty-two districts, as hereinafter provided. Each county of the respective districts, at the time of the first election of its delegate or delegates under this constitution, shall vote for one senator; and the sheriffs or other officers holding the election for each county, city, town or borough within five days at farthest after the last county, city, town or borough election in the district, shall meet at some convenient place, and from the polls so taken in their respective counties, cities, towns or boroughs, return as a senator the person who shall have the greatest number of votes in the whole district. To keep up this assembly by rotation, the districts shall be equally divided into four classes, and numbered by lot. At the end of one year after the first general election, the eight members elected by the first division shall be displaced, and the vacancies thereby occasioned, supplied from such class or division by new election in the manner aforesaid. This rotation shall be applied to each division according to its number, and continued in due order annually. And for the election of senators, the counties of Brooke, Ohio and Tyler, shall form one district: the counties of Monongalia, Preston and Randolph, shall form another district: the counties of Harrison, Lewis and Wood, shall form another district: the counties of Kanawha, Mason, Cabell, Logan and Nicholas shall form another district: the counties of Greenbrier, Monroe, Giles and Montgomery, shall form another district; the counties of Tazewell, Wythe and Grayson, shall form another district: the counties of Washington, Russell, Scott and Lee, shall form another district: the counties of Berkeley, Morgan and Hampshire, shall form another district: the counties of Frederick and Jefferson, shall form another district: the counties of Shenandoah and Hardy shall form another district: the counties of Rockingham and

Pendleton shall form another district: the counties of Augusta and Rockbridge shall form another district: the counties of Alleghany, Bath, Pocahontas, and Botetourt, shall form another district: the counties of Loudoun and Fairfax shall form another district: the counties of Fauquier and Prince William shall form another district: the counties of Stafford, King George, Westmoreland, Richmond, Lancaster, and Northumberland, shall form another district: the counties of Culpeper, Madison, and Orange, shall form another district: the counties of Albemarle, Nelson, and Amherst, shall form another district: the counties of Fluvanna, Goochland, Louisa, and Hanover, shall form another district: the counties of Spottsylvania, Caroline, and Essex, shall form another district: the counties of King and Queen, King William, Gloucester, Matthews, and Middlesex, shall form another district: the counties of Accomack, Northampton, Elizabeth City, York and Warwick, and the city of Williamsburg, shall form another district: the counties of Charles City, James City, New Kent and Henrico, and the city of Richmond, shall form another district: the counties of Bedford and Franklin, shall form another district: the counties of Buckingham, Campbell, and Cumberland, shall form another district: the counties of Patrick, Henry, and Pittsylvania, shall form another district: the counties of Halifax and Mecklenburg, shall form another district: the counties of Charlotte, Lunenburg, Nottoway, and Prince Edward, shall form another district: the counties of Amelia, Powhatan, and Chesterfield, and the town of Petersburg, shall form another district: the counties of Brunswick, Dinwiddie, and Greenesville, shall form another district: the counties of Isle of Wight, Prince George, Southampton, Surry, and Sussex, shall form another district: and the counties of Norfolk, Nansemond, and Princess Anne, and the borough of Norfolk, shall form another district.

4. It shall be the duty of the legislature, to re-apportion, once in ten years, to wit: in the year 1841, and every ten years thereafter, the representation of the counties, cities, towns, and boroughs, of this commonwealth, in both of the legislative bodies: Provided, however, that the number of delegates from the aforesaid great districts, and the number of senators from the aforesaid two great divisions, respectively, shall neither be increased nor diminished by such re-apportionment. And when a new county shall hereafter be created, or any city, town, or borough, not now entitled to separate representation in the house of delegates, shall have so increased in population as to be entitled, in the opinion of the general assembly, to such representation, it shall be the duty of the general assembly to make provision by law for securing to the people of such new county, or such city, town, or borough, an adequate representation. And if the object cannot otherwise

be effected, it shall be competent to the general assembly to re-apportion the whole representation of the great district containing such new county, or such city, town or borough, within its limits; which re-apportionment shall continue in force till the next regular decennial re-apportionment.

5. The general assembly, after the year 1841, and at intervals thereafter of not less than ten years, shall have authority, two-thirds of each house concurring, to make re-apportionments of delegates and senators, throughout the commonwealth, so that the number of delegates shall not at any time exceed 150, nor of senators 36.

6. The whole number of members to which the state may at any time be entitled in the house of representatives of the United States, shall be apportioned as nearly as may be, amongst the several counties, cities, boroughs, and towns of the state, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

7. Any person may be elected a senator who shall have attained to the age of thirty years, and shall be actually a resident and freeholder within the district, qualified by virtue of his freehold, to vote for members of the general assembly according to this constitution. And any person may be elected a member of the house of delegates, who shall have attained the age of twenty-five years, and shall be actually a resident and freeholder within the county, city, town, borough, or election district, qualified by virtue of his freehold, to vote for members of the general assembly according to this constitution: Provided, that all persons holding lucrative offices, and ministers of the gospel, and priests of every denomination, shall be incapable of being elected members of either house of assembly.

8. The members of the assembly shall receive for their services a compensation to be ascertained by law, and paid out of the public treasury: but no law increasing the compensation of the members shall take effect until the end of the next annual session after such law shall have been enacted. And no senator or delegate shall, during the term for which he shall have been elected, be appointed to any civil office of profit under the commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

9. The general assembly shall meet once or oftener every year. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. A majority of each house shall consti-

tute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide. And each house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies. But if vacancies shall occur by death or resignation, during the recess of the general assembly, such writs may be issued by the governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

10. All laws shall originate in the house of delegates, to be approved or rejected by the senate, or to be amended with the consent of the house of delegates.

11. The privilege of the writ of *habeas corpus* shall not in any case be suspended. The legislature shall not pass any bill of attainder; or any *ex post facto* law; or any law impairing the obligation of contracts; or any law, whereby private property shall be taken for public uses, without just compensation; or any law abridging the freedom of speech, or of the press. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever; nor shall any man be enforced, restrained, molested, or burthened in his body or goods, or otherwise suffer, on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise affect, diminish, or enlarge their civil capacities. And the legislature shall not prescribe any religious test whatever; nor confer any peculiar privileges or advantages on any one sect or denomination; nor pass any law requiring or authorizing any religious society, or the people of any district within this commonwealth, to levy on themselves or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructer, and make for his support such private contract as he shall please.

12. The legislature may provide by law that no person shall be capable of holding or being elected to any post or profit, trust or emolument, civil or military, legislative, executive, or judicial, under the government of this commonwealth, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or accept-

ance; but no person shall be so disqualified by reason of his having heretofore fought such duel, or sent or accepted such challenge, or been second in such duel, or bearer of such challenge or acceptance.

13. The governor, the judges of the court of appeals and superior courts, and all others offending against the state, either by maleadministration, corruption, neglect of duty, or any other high crime or misdemeanor, shall be impeachable by the house of delegates; such impeachment to be prosecuted before the senate, which shall have the sole power to try all impeachments. When sitting for that purpose, the senate shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

14. Every white male citizen of the commonwealth, resident therein, aged twenty-one years and upwards, being qualified to exercise the right of suffrage according to the former constitution and laws; and every such citizen, being possessed, or whose tenant for years, at will or at sufferance, is possessed, of an estate of freehold in land of the value of twenty-five dollars, and so assessed to be if any assessment thereof be required by law; and every such citizen, being possessed, as tenant in common, joint tenant or parcener, of an interest in or share of land, and having an estate of freehold therein, such interest or share being of the value of twenty-five dollars, and so assessed to be if any assessment thereof be required by law; and every such citizen being entitled to a reversion or vested remainder in fee, expectant on an estate for life or lives, in land of the value of fifty dollars, and so assessed to be if any assessment thereof be required by law; (each and every such citizen, unless his title shall have come to him by descent, devise, marriage, or marriage settlement, having been so possessed or entitled for six months;) and every such citizen, who shall own and be himself in actual occupation of a leasehold estate, with the evidence of title recorded two months before he shall offer to vote, of a term originally not less than five years, of the annual value or rent of twenty dollars; and every such citizen, who for twelve months next preceding has been a housekeeper and head of a family within the county, city, town, borough, or election district, where he may offer to vote, and shall have been assessed with a part of the revenue of the commonwealth within the preceding year, and actually paid the same—and no other persons—shall be qualified to vote for members of the general assembly, in the county, city,

town, or borough, respectively, wherein such land shall lie, or such house-keeper and head of a family shall live. And in case of two or more tenants in common, joint tenants, or parceners, in possession, reversion, or remainder, having interest in land, the value whereof shall be insufficient to entitle them all to vote, they shall together have as many votes as the value of the land shall entitle them to; and the legislature shall by law provide the mode in which their vote or votes shall in such case be given: Provided, nevertheless, that the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a non-commissioned officer, soldier, seaman, or marine, in the service of the United States, or by any person convicted of any infamous offence.

15. In all elections in this commonwealth, to any office or place of trust, honour, or profit, the votes shall be given openly, or *viva voce*, and not by ballot.

ARTICLE 4.

1. The chief executive power of this commonwealth, shall be vested in a governor, to be elected by the joint vote of the two houses of the general assembly. He shall hold his office, during the term of three years, to commence on the first day of January next succeeding his election, or on such other day, as may from time to time be prescribed by law; and he shall be ineligible to that office, for three years next after his term of service shall have expired.

2. No person shall be eligible to the office of governor, unless he shall have attained the age of thirty years, shall be a native citizen of the United States, or shall have been a citizen thereof at the adoption of the federal constitution, and shall have been a citizen of this commonwealth for five years next preceding his election.

3. The governor shall receive for his services a compensation to be fixed by law, which shall be neither increased nor diminished, during his continuance in office.

4. He shall take care that the laws be faithfully executed; shall communicate to the legislature, at every session, the condition of the commonwealth, and recommend to their consideration such measures as he may deem expedient. He shall be commander-in-chief of the land and naval forces of the state. He shall have power to embody the militia, when, in his opinion, the public safety shall require it; to convene the legislature, on application of a majority of the members of the house of delegates, or when, in his opinion, the interest of the commonwealth may require it; to grant reprieves and pardons, except where the prosecution shall have been carried on by the house of delegates, or the law shall otherwise particularly direct; to conduct, either in person, or in such manner as shall

be prescribed by law, all intercourse with other and foreign states; and during the recess of the legislature, to fill, *pro tempore*, all vacancies in those offices, which it may be the duty of the legislature to fill permanently: Provided, that his appointments to such vacancies shall be by commissions to expire at the end of the next succeeding session of the general assembly.

5. There shall be a council of state, to consist of three members, any one or more of whom may act. They shall be elected by joint vote of both houses of the general assembly, and remain in office three years. But of those first elected, one, to be designated by lot, shall remain in office one year only, and one other, to be designated in like manner, shall remain in office for two years only. Vacancies occurring by expiration of the term of service, or otherwise, shall be supplied by elections made in like manner. The governor shall, before he exercises any discretionary power conferred on him by the constitution and laws, require the advice of the council of state, which advice shall be registered in books kept for that purpose, signed by the members present and consenting thereto, and laid before the general assembly when called for by them. The council shall appoint their own clerk, who shall take an oath to keep secret such matters as he shall be ordered by the board to conceal. The senior councillor shall be lieutenant-governor, and in case of the death, resignation, inability or absence of the governor from the seat of government, shall act as governor.

6. The manner of appointing militia officers shall be provided for by law; but no officer below the rank of a brigadier general, shall be appointed by the general assembly.

7. Commissions and grants shall run in the name of the commonwealth of Virginia, and bear teste by the governor, with the seal of the commonwealth annexed.

ARTICLE 5.

1. The judicial power shall be vested in a supreme court of appeals, in such superior courts as the legislature may from time to time ordain and establish, and the judges thereof, in the county courts, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in corporation courts, and in the magistrates who may belong to the corporate body. The jurisdiction of these tribunals, and of the judges thereof, shall be regulated by law. The judges of the supreme court of appeals and of the superior courts, shall hold their offices during good behaviour, or until removed in the manner prescribed in this constitution; and shall, at the same time, hold no other office, appointment, or public trust; and the acceptance thereof by either of them shall vacate his judicial office.

2 No law abolishing any court shall be construed to deprive a judge thereof of his office, unless two-thirds of the members of each house present concur in the passing thereof; but the legislature may assign other judicial duties to the judges of courts abolished by any law enacted by less than two-thirds of the members of each house present.

3. The present judges of the supreme court of appeals, of the general court, and of the supreme courts of chancery, shall remain in office until the termination of the session of the first legislature elected under this constitution, and no longer.

4. The judges of the supreme court of appeals and of the superior courts shall be elected by the joint vote of both houses of the general assembly.

5. The judges of the supreme court of appeals and of the superior courts shall receive fixed and adequate salaries, which shall not be diminished during their continuance in office.

6. Judges may be removed from office by a concurrent vote of both houses of the general assembly; but two-thirds of the members present must concur in such vote, and the cause of removal shall be entered on the journals of each. The judge against whom the legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the general assembly shall act thereupon.

7. On the creation of any new county, justices of the peace shall be appointed, in the first instance, in such manner as may be prescribed by law. When vacancies shall occur in any county, or it shall, for any cause, be deemed necessary to increase the number, appointments shall be made by the governor, on the recommendation of the respective county courts.

8. The attorney general shall be appointed by joint vote of the two houses of the general assembly, and commissioned by the governor, and shall hold his office, during the pleasure of the general assembly. The clerks of the several courts, when vacancies shall occur, shall be appointed by their respective courts, and the tenure of office, as well of those now in office as of those who may be hereafter appointed, shall be prescribed by law. The sheriffs and coroners shall be nominated by the respective county courts, and when approved by the governor, shall be commissioned by him. The judges shall appoint constables. And all fees of the aforesaid officers, shall be regulated by law.

9. Writs shall run in the name of the commonwealth of Virginia, and bear teste by the clerks of the several courts.—Indictments shall conclude, against the peace and dignity of the commonwealth.

ARTICLE 6.

A treasurer shall be appointed annually by joint vote of both houses.

ARTICLE 7.

The executive department of the government shall remain as at present organized, and the governor and privy councillors shall continue in office, until a governor elected, under this constitution, shall come into office; and all other persons in office when this constitution shall be adopted, except as is herein otherwise expressly directed, shall continue in office, till successors shall be appointed, or the law shall otherwise provide; and all the courts of justice now existing shall continue with their present jurisdiction, until and except so far as, the judicial system may or shall be hereafter otherwise organized by the legislature.

Done in convention in the city of Richmond, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fourth year of the Independence of the United States of America.

PHILIP P. BARBOUR,
President of the Convention.

D. BRIGGS,
Secretary of the Convention.



CONSTITUTION OF NORTH CAROLINA.

The Constitution or form of Government, agreed to and resolved upon, by the Representatives of the freemen of the state of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, December 18, 1776.

A DECLARATION OF RIGHTS, &c.

1. That all political power is vested in, and derived from, the people only.

2. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

3. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

4. That the legislative, executive, and supreme judicial powers of government, ought to be for ever separate and distinct from each other.

5. That all powers of suspending laws, or the execution of laws, by any authority, without consent of the representatives

of the people, is injurious to their rights, and ought not to be exercised.

6. That elections of members to serve as representatives in general assembly, ought to be free.

7. That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

8. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

9. That no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

10. That excessive bail should not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

11. That general warrants, whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence, are dangerous to liberty, and ought not to be granted.

12. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

13. That every freeman restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

14. That in all controversies at law, respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

15. That the freedom of the press is one of the great bulwarks of liberty; and therefore ought never to be restrained.

16. That the people of this state ought not to be taxed, or made subject to the payment of any impost, or duty, without the consent of themselves, or their representatives in general assembly freely given.

17. That the people have a right to bear arms, for the defence of the state; and as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

18. That the people have a right to assemble together, to consult for the common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

19. That all men have a natural and unalienable right to

worship Almighty God, according to the dictates of their own consciences.

20. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

21. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

22. That no hereditary emoluments, privileges, or honours, ought to be granted or conferred in this state.

23. That perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.

24. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no *ex post facto* law ought to be made.

25. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the state should be ascertained with precision: and as the former temporary line between North and South Carolina was confirmed, and extended by commissioners, appointed by the legislatures of the two states, agreeable to the order of the late king George II. in council, that line, and that only, should be esteemed the southern boundary of this state; that is to say, beginning on the sea side, at a cedar stake at or near the mouth of Little river (being the southern extremity of Brunswick county,) and running from thence a north-west course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude; and from thence a west course, so far as is mentioned in the charter of king Charles II., to the late proprietors of Carolina. Therefore, all the territory, seas, waters, and harbours, with their appurtenances, lying between the line above described, and the southern line of the state of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeable to the said charter of king Charles, are the right and property of the people of this state, to be held by them in sovereignty: any partial line without the consent of the legislature of this state, at any time thereafter directed or laid out, in any wise notwithstanding: provided always, that this declaration of right shall not prejudice any nation or nations of Indians, from enjoying such hunting grounds as may have been, or hereafter shall be, secured to them, by any former or future legislature of this state: And provided also, that it shall not be construed so as to prevent the establishment of one or more governments westward of this state, by consent of the legislature: And provided further, that nothing herein contained shall affect the titles or possessions of individuals holding or claiming under the laws heretofore in force, or

grants heretofore made by the late king George II. or his predecessors, or the late lords, proprietors, or any of them.

The Constitution, or Form of Government, &c.

Whereas allegiance and protection are in their nature reciprocal, and the one should of right be refused when the other is withdrawn:

And whereas George the Third, king of Great Britain and late sovereign of the British American colonies, hath not only withdrawn from them his protection, but, by an act of the British legislature, declared the inhabitants of these states out of the protection of the British crown, and all their property found upon the high seas liable to be seized and confiscated to the uses mentioned in the said act; and the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery; in consequence whereof, all government, under the said king, within the said colonies, hath ceased, and a total dissolution of government, in many of them, hath taken place:

And whereas the continental congress, having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared that the thirteen united colonies are, of right, wholly absolved from all allegiance to the British crown, or any other foreign jurisdiction whatsoever; and that the said colonies now are, and for ever shall be, free and independent states:

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that government should be established in this state; therefore, we, the representatives of the freemen of North Carolina, chosen and assembled in congress, for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government for this state shall be established, in manner and form following, *to wit:*

1. That the legislative authority shall be vested in two distinct branches, both dependant on the people, *to wit*, a *senate* and *house of commons*.

2. That the senate shall be composed of representatives, annually chosen by ballot, one for each county in the state.

3. That the house of commons shall be composed of representatives, annually chosen by ballot, two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough, and Halifax.

4. That the senate and house of commons, assembled for the purpose of legislation, shall be denominated the *general assembly*.

5. That each member of the senate shall have usually resided

in the county in which he is chosen for one year immediately preceding his election, and for the same time shall have possessed, and continue to possess, in the county which he represents, not less than three hundred acres of land in fee.

6. That each member of the house of commons shall have usually resided in the county in which he is chosen for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

7. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state twelve months immediately preceding the day of any election, and possessed of a freehold, within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the senate.

8. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons, for the county in which he resides.

9. That all persons possessed of a freehold, in any town in this state, having a right of representation, and also all freemen, who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: provided, always, that this section shall not entitle any inhabitant of such town to vote for members of the house of commons for the county in which he may reside; nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

10. That the senate and house of commons, when met, shall each have power to choose a speaker, and other their officers: be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills to be passed into laws. The two houses shall direct writs of election, for supplying intermediate vacancies: and shall also jointly, by ballot, adjourn themselves to any future day and place.

11. That all bills shall be read three times in each house, before they pass into laws, and be signed by the speakers of both houses.

12. That every person, who shall be chosen a member of the senate or house of commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the state: and all officers shall also take an oath of office.

13. That the general assembly shall, by joint ballot of both houses, appoint judges of the supreme courts of law and equity, judges of admiralty, and attorney general, who shall be commissioned by the governor, and hold their offices during good behaviour.

14. That the senate and house of commons shall have power to appoint the generals and field officers of the militia, and all officers of the regular army of this state.

15. That the senate and house of commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a governor for one year, who shall not be eligible to that office longer than three years, in six successive years; that no person under thirty years of age, and who has not been a resident in this state above five years, and having, in the state, a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as a governor.

16. That the senate and house of commons, jointly, at their first meeting, after each annual election, shall, by ballot, elect seven persons to be a council of state for one year; who shall advise the governor in the execution of his office: and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent. And such journal shall be laid before the general assembly when called for by them.

17. That there shall be a seal of this state, which shall be kept by the governor, and used by him, as occasion may require; and shall be called, *the great seal of the state of North Carolina*, and shall be affixed to all grants and commissions.

18. The governor, for the time being, shall be captain general and commander-in-chief of the militia, and, in the recess of the general assembly, shall have power, by and with the advice of the council of state, to embody the militia, for the public safety.

19. The governor, for the time being, shall have power to draw for and apply such sums of money as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the council of state, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the general assembly; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the general assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve until the next sitting of the general assembly; and may exercise all the other executive powers of government, limited and restrained, as by this constitution is mentioned, and according to the laws of the state. And, on his death, inability, or absence from the state,

the speaker of the senate, for the time being, and, in case of his death, inability, or absence from the state, the speaker of the house of commons, shall exercise the powers of government, after such death, or during such absence or inability of the governor, or speaker of the senate, or until a new nomination is made by the general assembly.

20. That, in every case, where any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during their recess, die, or his office by other means become vacant, the governor shall have power, with the advice of the council of state, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the general assembly.

21. That the governor, judges of the supreme court of law and equity, judges of admiralty, and attorney general, shall have adequate salaries, during their continuance in office.

22. That the general assembly shall, by joint ballot of both houses, annually appoint a treasurer or treasurers for this state.

23. That the governor, and other officers, offending against the state, by violating any part of this constitution, maleadministration, or corruption, may be prosecuted, on the impeachment of the general assembly, or presentment of the grand jury, of any court of supreme jurisdiction in this state.

24. That the general assembly shall, by joint ballot of both houses, triennially appoint a secretary for this state.

25. That no persons who heretofore have been, or hereafter may be, receivers of public moneys, shall have a seat in either house of general assembly, or be eligible to any office in this state, until such person shall have fully accounted for, and paid into the treasury, all sums for which they may be accountable and liable.

26. That no treasurer shall have a seat, either in the senate, house of commons, or council of state, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the moneys which may be in his hands, at the expiration of his office, belonging to the state, and hath paid the same into the hands of the succeeding treasurer.

27. That no officer in the regular army or navy, in the service and pay of the United States, of this state or any other state, nor any contractor or agent for supplying such army or navy with clothing or provisions, shall have a seat either in the senate, house of commons, or council of state, or be eligible thereto; and any member of the senate, house of commons, or council of state, being appointed to, and accepting of such office, shall thereby vacate his seat.

28. That no member of the council of state shall have a seat, either in the senate or house of commons.

29. That no judge of the supreme court of law or equity, or

judge of admiralty, shall have a seat in the senate, house of commons, or council of state.

30. That no secretary of this state, attorney general, or clerk of any court of record, shall have a seat in the senate, house of commons, or council of state.

31. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the senate, house of commons, or council of state, while he continues in the exercise of his pastoral function.

32. That no person who shall deny the being of God, or the truth of the protestant religion, or the divine authority of either the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the state, shall be capable of holding any office, or place of trust or profit, in the civil department, within this state.

33. That the justices of the peace, within their respective counties in this state, shall in future be recommended to the governor for the time being, by the representatives in general assembly; and the governor shall commission them accordingly: and the justices, when so commissioned, shall hold their offices during good behaviour, and shall not be removed from office by the general assembly, unless for misbehaviour, absence, or inability.

34. That there shall be no establishment of any one religious church or denomination in this state, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: Provided, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

35. That no person in the state shall hold more than one lucrative office at any one time: Provided that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

36. That all commissions and grants shall run in the name of the state of North Carolina, and bear test, and be signed by the governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective courts. Indictments shall conclude, *against the peace and dignity of the state.*

37. That the delegates for this state to the continental congress, while necessary, shall be chosen annually by the general assembly, by ballot; but may be superseded, in the mean time, in the same manner; and no person shall be elected to serve in that capacity for more than three years successively.

38. That there shall be a sheriff, coroner, or coroners, and constables, in each county within this state.

39. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall hereafter be regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great.

40. That every foreigner who comes to settle in this state, having first taken an oath of allegiance to the same, may purchase, or, by other just means, acquire, hold, and transfer land, or other real estate, and after one year's residence be deemed a free citizen.

41. That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and, all useful learning shall be duly encouraged and promoted, in one or more universities.

42. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

43. That the future legislature of this state shall regulate entails, in such a manner as to prevent perpetuities.

44. That the declaration of rights is hereby declared to be part of the constitution of this state, and ought never to be violated on any pretence whatsoever.

45. That any member of either house of general assembly, shall have liberty to dissent from and protest against any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

46. That neither house of the general assembly shall proceed upon public business, unless a majority of all the members of such house are actually present; and that upon a motion made and seconded, the yeas and nays, upon any question, shall be taken and entered on the journals: and that the journals of the proceedings of both houses of the general assembly shall be printed, and made public, immediately after their adjournment.

This constitution is not intended to preclude the present congress from making a temporary provision, for the well ordering of this state, until the general assembly shall establish government, agreeable to the mode herein before described.

RICHARD CASWELL, *President.*

December the eighteenth, one thousand seven hundred and seventy-six, read the third time, and ratified in open congress. *By order:*

JAMES GREEN, jun. *Secretary.*

CONSTITUTION OF SOUTH CAROLINA.

We, the delegates of the people of the state of South Carolina, in general convention met, do ordain and establish this constitution for its government.

ARTICLE 1.

§ 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

2. The house of representatives shall be composed of members chosen by ballot, every second year, by the citizens of this state, qualified as in this constitution is provided.

3. The several election districts in this state shall elect the following number of representatives, viz:

Charleston, including St. Philip and St. Michael.	fifteen	members.
Christ Church,	three	do.
St. John, Berkley,	three	do.
St. Andrew,	three	do.
St. George, Dorchester,	three	do.
St. James, Goose Creek,	three	do.
St. Thomas and St. Dennis,	three	do.
St. Paul,	three	do.
St. Bartholomew,	three	do.
St. James, Santee,	three	do.
St. John, Colleton,	three	do.
St. Stephen,	three	do.
St. Helena,	three	do.
St. Luke,	three	do.
Prince William,	three	do.
St. Peter,	three	do.
All Saints, (including its ancient boundaries)	one	do.
Winyaw, (not including any part of All Saints)	three	do.
Kingston, (not including any part of All Saints)	two	do.
Williamsburgh,	two	do.
Liberty,	two	do.
Marlborough,	two	do.
Chesterfield,	two	do.
Darlington,	two	do.
York,	three	do.

Chester,	two	members.
Fairfield,	two	do.
Richland,	two	do.
Lancaster,	two	do.
Kershaw,	two	do.
Claremont,	two	do.
Clarendon,	two	do.
Abbeville,	three	do.
Edgefield,	three	do.
Newbury, (including the fork between Broad and Saluda rivers)	three	do.
Laurens,	three	do.
Union,	two	do.
Spartan,	two	do.
Greenville,	two	do.
Pendleton,	three	do.
St. Matthew,	two	do.
Orange,	two	do.
Winton, (including the district between Savannah river, and the north fork of Edisto)	three	do.
Saxe Gotha,	three	do.

4. Every free white man, of the age of twenty-one years, being a citizen of this state, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six mouths before such election, or, not having such freehold or town lot, hath been a resident in the election district, in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling towards the support of this government, shall have a right to vote for a member or members, to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

5. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax collector of his having paid a tax, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote agreeably to this constitution.

6. No person shall be eligible to a seat in the house of representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this state three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the house of representives, unless he be legally seized and possessed, in his own rights, of a settled freehold estate of five hundred acres of land, and ten negroes; or of a real estate, of the value

of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

7. The senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this state, qualified to elect members to the house of representatives, as the same time, in the same manner, and at the same places, where they shall vote for representatives, viz.

Charleston, (including St. Philip and St. Michael),	two	members.
Christ church,	one	do.
St. John, Berkeley,	one	do.
St. Andrew,	one	do.
St. George,	one	do.
St. James, Goose Creek,	one	do.
St. Thomas and St. Dennis,	one	do.
St. Paul,	one	do.
St. Bartholomew,	one	do.
St. James, Santee,	one	do.
St. John, Colleton,	one	do.
St. Stephen,	one	do.
St. Helena,	one	do.
St. Luke,	one	do.
Prince William,	one	do.
St. Peter,	one	do.
All Saints,	one	do.
Winyaw and Williamsburgh,	one	do.
Liberty and Kingston,	one	do.
Marlborough, Chesterfield, and Darlington,	two	do.
York,	one	do.
Fairfield, Richland, and Chester,	one	do.
Lancaster and Kershaw,	one	do.
Claremont and Clarendon,	one	do.
Abbeville,	one	do.
Edgefield,	one	do.
Newbury, (including the fork between Broad and Saluda rivers)	one	do.
Laurens,	one	do.
Union,	one	do.
Spartan,	one	do.
Greenville,	one	do.
Pendleton,	one	do.
St. Matthew and Orange,	one	do.
Winton (including the district between Savannah river and the North fork of Edisto)	one	do.
Saxe Gotha,		do.

8. No person shall be eligible to a seat in the senate, unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this state five years previous to his election. If a resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate, in the said district, of the value of one thousand pounds sterling, clear of debt.

9. Immediately after the senators shall be assembled, in consequence of the first election, they shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class, at the end of the fourth year; so that one half thereof, as near as possible, may be chosen, for ever thereafter, every second year, for the term of four years.

10. Senators and members of the house of representatives, shall be chosen on the second Monday in October next, and the day following; and on the same days in every second year thereafter, in such manner, and at such times, as are herein directed; and shall meet on the fourth Monday in November annually, at Columbia, (which shall remain the seat of government, until otherwise determined, by the concurrence of two-thirds of both branches of the whole representation) unless the casualties of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the governor or commander-in-chief for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

11. Each house shall judge of the elections, returns, and qualifications of its own members; and a majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as may be provided by law.

12. Each house shall choose by ballot its own officers, determine its rules of proceeding, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

13. Each house may punish, by imprisonment, during sitting, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in its presence—or who, during the time of its sitting, shall threaten harm to body or estate of any member, for any thing said or done in either house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the house, in his going to or

returning therefrom; or who shall rescue any person arrested by order of the house.

14. The members of both houses shall be protected in their persons and estates, during their attendance on, going to, and returning from, the legislature, and ten days previous to their sitting, and ten days after the adjournment of the legislature. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

15. Bills for raising a revenue shall originate in the house of representatives, but may be altered, amended, or rejected, by the senate.

All other bills may originate in either house, and may be amended, altered, or rejected by the other.

16. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each house, has had the great seal affixed to it, and has been signed, in the senate-house, by the president of the senate and speaker of the house of representatives.

17. No money shall be drawn out of the public treasury, but by the legislative authority of the state.

18. The members of the legislature, who shall assemble under this constitution, shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum not exceeding seven shillings sterling a day, during their attendance on, going to, and returning from, the legislature: but the same may be increased or diminished by law, if circumstances shall require; but no alterations shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

19. Neither house shall, during their session, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

20. No bill or ordinance, which shall have been rejected by either house, shall be brought in again during the sitting, without leave of the house, and notice of six days being previously given.

21. No person shall be eligible to a seat in the legislature whilst he holds any office of profit or trust under this state, the United States, or either of them, or under any other power—except officers in the militia, army, or navy of this state, justices of the peace, or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this state, the United States, or either of them, or the agents of such contractor, be eligible to a seat in either house. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

22. If any election district shall neglect to choose a member

or members, on the days of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or should die, depart the state, or accept of any disqualifying office, a writ of election shall be issued by the president of the senate, or speaker of the house of representatives, as the case may be, for the purpose of filling up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the state, or accepting a disqualifying office, was elected to serve.

23. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duty of their functions: therefore, no minister of the gospel, or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of governor, lieutenant governor, or a seat in the senate or house of representatives.

ARTICLE 2.

§ 1. The executive authority of this state shall be invested in a governor, to be chosen in manner following: as soon as may be, after the first meeting of the senate and house of representatives, and at every first meeting of the house of representatives thereafter, when a majority of both houses shall be present, the senate and house of representatives shall, jointly, in the house of representatives, choose by ballot, a governor, to continue for two years, and until a new election shall be made.

2. No person shall be eligible to the office of governor, unless he hath attained the age of thirty years, and hath resided within this state, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

No person, having served two years as governor, shall be re-eligible to that office, till after the expiration of four years.

No person shall hold the office of governor, and any other office, or commission, civil or military, except in the militia, either in this state, or under any state, or the United States, or any other power, at one and the same time.

3. A lieutenant governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the governor.

4. A member of the senate or house of representatives, being chosen, and acting as governor or lieutenant governor, shall vacate his seat, and another person shall be elected in his stead.

5. In case of the impeachment of the governor, or his re-

moval from office, death, resignation, or absence from the state, the lieutenant governor shall succeed to his office. And in case of the impeachment of the lieutenant governor, or his removal from office, death, resignation, or absence from the state, the president of the senate shall succeed to his office, till a nomination to those offices respectively shall be made by the senate and house of representatives, for the remainder of the time for which the officer so impeached, removed from office, dying, resigning, or being absent, was elected.

6. The governor shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the actual service of the United States.

7. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment, in such manner, on such terms, and under restrictions, as he shall think proper, and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

8. He shall take care that the laws be faithfully executed in mercy.

9. He shall have power to prohibit the exportation of provision, for any time not exceeding thirty days.

10. He shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected.

11. All officers in the executive department, when required by the governor, shall give him information, in writing, upon any subject relating to the duties of their respective offices.

12. The governor shall, from time to time, give to the general assembly information of the condition of the state, and recommend to their consideration such measures as he shall judge necessary or expedient.

13. He may, on extraordinary occasions, convene the general assembly, and, in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the fourth Monday in the month of November then ensuing.

ARTICLE 3.

§ 1. The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

The judges of each shall hold their commissions during good behaviour; and judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this state, the United States, or any other power.

2. The style of all processes shall be, "*the state of South Carolina.*" All prosecutions shall be carried on in the name and by the authority of the state of South Carolina, and conclude—"*against the peace and dignity of the same.*"

ARTICLE 4.

All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath: "I do swear (or affirm) that I am duly qualified, according to the constitution of this state, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect, and defend the constitution of this state, and of the United States.

ARTICLE 5.

§ 1. The house of representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two-thirds of the house of representatives.

2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present.

3. The governor, lieutenant governor, and all the civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to a removal from office, and disqualification to hold any office of honour, trust, or profit, under this state. The party convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE 6.

§ 1. The judges of the superior courts, the commissioners of the treasury, secretary of the state, and surveyor general, shall be elected by the joint ballot of both houses, in the house of representatives. The commissioners of the treasury, secretary of this state, and surveyor general, shall hold their offices for four years: but shall not be eligible again for four years after the expiration of the time for which they shall have been elected.

2. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but sheriffs shall hold their offices for four years, and not be again eligible for four years after the term for which they shall have been elected.

3. All commissions shall be in the name and by the authority of the state of South Carolina, and be sealed with the seal of the state, and be signed by the governor.

ARTICLE 7.

All laws in force in this state at the passing of this constitution, shall so continue until altered or repealed by the legislature; except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by act of the legislature.

ARTICLE 8.

§ 1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall, for ever hereafter, be allowed within this state to all mankind: Provided, that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

2. The rights, privileges, immunities, and estates of both civil and religious societies and of corporate bodies, shall remain as if the constitution of this state had not been altered or amended.

ARTICLE 9.

§ 1. All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness.

2. No freeman of this state shall be taken or imprisoned or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land: nor shall any bill of attainder, ex post facto law, or law impairing the obligation of contracts, ever be passed by the legislature of this state.

3. The military shall be subordinate to the civil power.

4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

5. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behaviour.

6. The trial by jury, as heretofore used in this state, and the liberty of the press, shall be for ever inviolably preserved.

ARTICLE 10.

§ 1. The business of the treasury shall be in future conducted by two treasurers, one of whom shall hold his office and reside in Columbia; the other shall hold his office and reside in Charleston.

2. The secretary of state and surveyor general shall hold their offices both in Columbia and in Charleston. They shall reside at one place, and their deputies at the other.

3. At the conclusion of the circuits, the judges shall meet

and sit at Columbia, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgments, and such points of law as may be submitted to them. From Columbia they shall proceed to Charleston, and there hear and determine all such motions for new trials and in arrest of judgment, and such points of law, as may be submitted to them.

4. The governor shall always reside, during the sitting of the legislature, at the place where their sessions may be held, and at all other times, wherever, in his opinion, the public good may require.

5. The legislature shall, as soon as may be convenient, pass laws for the abolition of the rights of primogenitures, and for giving an equitable distribution of the real estate of intestates.

ARTICLE 11.

No convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole representation.

No part of this constitution shall be altered, unless a bill to alter the same shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place until the bill so agreed to, be published three months previous to a new election for members to the house of representatives; and if the alteration proposed by the legislature shall be agreed to in their first session, by two-thirds of the whole representation in both branches of the legislature, after the same shall have been read three times, on three several days in each house, then, and not otherwise, the same shall become a part of the constitution.

Done in convention, at Columbia, in the state of South Carolina, the third day of June, in the year of our Lord 1790, and in the fourteenth year of the independence of the United States of America.

By the unanimous order of the convention,

CHARLES PINCKNEY, *President.*

AMENDMENTS.

A Bill to alter the fourth section of the first article of the Constitution of the state of South Carolina.

Be it enacted by the honourable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That the fourth section of the first

article of the constitution of this state be altered and amended, to read as follows: Every free white man of the age of twenty-one years, paupers and non-commissioned officers and private soldiers of the army of the United States excepted, being a citizen of this state, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed at least six months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote six months before the said election, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

Amendments ratified December 17, 1808.

The following sections, in amendment of the third, seventh, and ninth sections of the first article of the constitution of this state, shall be, and they are hereby declared to be, valid parts of the said constitution; and the said third, seventh, and ninth sections, or such parts thereof as are repugnant to such amendments, are hereby repealed and made void.

The house of representatives shall consist of one hundred and twenty-four members, to be apportioned among the several election districts of the state, according to the number of white inhabitants contained, and the amount of all taxes raised by the legislature, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other district, and adding thereto all taxes elsewhere paid on account of property held in such district. An enumeration of the white inhabitants, for this purpose, shall be made in the year one thousand eight hundred and nine, and in the course of every tenth year thereafter, in such manner as shall be by law directed: and representatives shall be assigned to the different districts in the above-mentioned proportion, by act of the legislature, at the session immediately succeeding the above enumeration.

If the enumeration herein directed should not be made in the course of the year appointed for the purpose by these amendments, it shall be the duty of the governor to have it effected as soon thereafter as shall be practicable.

In assigning representatives to the several districts of the state, the legislature shall allow one representative for every sixty-second part of the whole number of white inhabitants in the state; and one representative also for every sixty-second part of the whole taxes raised by the legislature of the state.

The legislature shall further allow one representative for such fractions of the sixty-second part of the white inhabitants of the state, and of the sixty-second part of the taxes raised by the legislature of the state, as, when added together, form a unit.

In every apportionment of representation under these amendments, which shall take place after the first apportionment, the amount of taxes shall be estimated from the average of the ten preceding years; but the first apportionment shall be founded upon the tax of the preceding year, excluding from the amount thereof the whole produce of the tax on sales at public auction.

If, in the apportionment of representatives under these amendments, any election district shall appear not to be entitled, from its population and its taxes, to a representative, such election district shall, nevertheless, send one representative; and, if there should be still a deficiency of the number of representatives required by these amendments, such deficiency shall be supplied by assigning representatives to those election districts having the largest surplus fractions; whether those fractions consist of a combination of population and of taxes, or of population or of taxes separately, until the number of one hundred and twenty-four members be provided.

No apportionment, under these amendments, shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

The election districts, for members of the house of representatives, shall be and remain as heretofore established, except Saxe Gotha and Newberry; in which the boundaries shall be altered, as follows, viz: That part of Lexington in the fork of Broad and Saluda rivers, shall no longer compose a part of the election district of Newberry, but shall be henceforth attached to, and form a part of Saxe Gotha. And, also, except Orange and Barnwell, or Winton, in which the boundaries shall be altered, as follows, viz: That part of Orange in the fork of Edisto shall no longer compose a part of the election district of Barnwell, or Winton, but shall be henceforth attached to, and form a part of, Orange election district.

The senate shall be composed of one member from each election district, as now established for the election of members of the house of representatives, except the district formed by the parishes of St. Philip and St. Michael, to which shall be allowed two senators, as heretofore.

The seats of those senators who under the constitution shall represent two or more election districts, on the day preceding the second Monday of October, which will be in the year one thousand eight hundred and ten, shall be vacated on that day, and the new senators who shall represent such districts under these amendments, shall immediately after they shall have

been assembled under the first election, be divided by lots into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class, at the expiration of the fourth year, and the number in these classes shall be so proportioned, that one half of the whole number of senators may, as nearly as possible, continue to be chosen thereafter every second year.

None of these amendments becoming parts of the constitution of this state shall be altered, unless a bill to alter the same shall have been read on three several days in the house of representatives, and on three several days in the senate, and agreed to at the second and third reading, by two-thirds of the whole representation in each branch of the legislature; neither shall any alteration take place, until the bill so agreed to be published three months previous to a new election for members to the house of representatives, and if the alteration proposed by the legislature shall be agreed to in their first session, by two-thirds of the whole representation, in each branch of the legislature, after the same shall have been read on three several days in each house, then, and not otherwise, the same shall become a part of the constitution.

Amendment ratified December 19, 1816.

That the third section of the tenth article of the constitution of this state be altered and amended, to read as follows: The judges shall, at such times and places as shall be prescribed by act of the legislature of this state, meet and sit for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgment, and such points of law as may be submitted to them.



CONSTITUTION OF GEORGIA.

The Constitution of the State of Georgia, as revised, amended, and compiled, by the convention of the state, at Louisville, on the 30*th day of May*, 1798.

ARTICLE 1.

§ 1. The legislative, executive, and judiciary departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

§ 2. The legislative power shall be vested in two separate and distinct branches, to wit: a senate and house of representatives, to be styled "*the General Assembly.*"

§ 3. The senate shall be elected annually, on the first Monday in November, until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof.

§ 4. No person shall be a senator who shall not have attained to the age of twenty-five years; and have been nine years a citizen of the United States, and three years an inhabitant of this state, and shall have usually resided within the county for which he shall be returned, at least one year immediately preceding his election, (except persons who may have been absent on public business of this state or of the United States,) and is, and shall have been possessed, in his own right, of a settled freehold estate of the value of five hundred dollars, or of taxable property to the amount of one thousand dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be fully competent to the discharge of his just debts, over and above that sum.

§ 5. The senate shall elect, by ballot, a president out of their own body.

§ 6. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present:—Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honour, trust, or profit, within this state; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment, according to law.

§ 7. The house of representatives shall be composed of members from all the counties which now are, or hereafter may be, included within this state, according to their respective numbers of free white persons, and including three-fifths of all the people of colour. The actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time and in such manner as this convention may direct. Each county containing three thousand persons, agreeably to the foregoing plan of enumeration, shall be entitled to two members; seven thousand, to three members; and twelve thousand, to four members; but each county shall have at least one, and not more than four members; the representatives shall be chosen annually, on the first Monday in November, until such day of election be altered by law. Until the aforesaid enumeration shall be made, the several counties shall be entitled to the following number of representatives, respectively: Camden two; Glynn two; Liberty

three; M'Intosh two; Bryan one; Chatham four; Effingham two; Scriven two; Montgomery two; Burke three; Bullock one; Jefferson three; Lincoln two; Elbert three; Jackson two; Richmond three; Wilkes four; Columbia three; Warren three; Washington three; Hancock four; Greene three; Oglethorpe three; and Franklin two.

§ 8. No person shall be a representative who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, three years an inhabitant of this state, and have usually resided in the county in which he shall be chosen one year immediately preceding his election, (unless he shall have been absent on public business of this state or of the United States,) and shall be possessed in his own right of a settled freehold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.

§ 9. The house of representatives shall choose their speaker and other officers.

§ 10. They shall have solely the power to impeach all persons who have been or may be in office.

§ 11. No person holding any military commission or other appointment, having any emolument or compensation annexed thereto, under this state or the United States, or either of them, except justices of the inferior court, justices of the peace, and officers of the militia, nor any person who has had charge of public moneys belonging to the state, unaccounted for, and unpaid, or who has not paid all legal taxes or contributions to the government, required of him, shall have a seat in either branch of the general assembly; nor shall any senator or representative be elected to any office or appointment by the legislature, having any emoluments or compensation annexed thereto, during the time for which he shall have been elected, with the above exceptions, unless he shall decline accepting his seat, by notice to the executive within twenty days after he shall have been elected; nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

§ 12. The meeting of the general assembly shall be annually, on the second Tuesday in January, until such day of meeting be altered by law: a majority of each branch shall be authorized to proceed to business; but a smaller number may adjourn from day to day, and compel the attendance of their members in such manner as each house may prescribe.

§ 13. Each house shall be the judges of the elections, returns, and qualifications of its own members; with powers to

expel or punish, by censuring, fining, and imprisoning, or either, for disorderly behaviour; and may expel any person convicted of any felonious or infamous offence; each house may punish by imprisonment, during session, any person not a member, who shall be guilty of disrespect by any disorderly or contemptuous behaviour in its presence, or who, during session, shall threaten harm to the body or estate of any member, for any thing said or done in either house, or who shall assault any of them therefor; or who shall assault or arrest any witness in going to or returning from, or who shall rescue any person arrested by order of either house.

§ 14. No senator or representative shall be liable to be arrested during his attendance on the general assembly, or for ten days previous to its sitting, or for ten days after the rising thereof, except for treason, felony, or breach of the peace; nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere; but shall, nevertheless be bound to answer for perjury, bribery, or corruption.

§ 15. Each house shall keep a journal of its proceedings, and publish them immediately after their adjournment; and the yeas and nays of the members on any question shall, at the desire of any two members, be entered on the journals.

§ 16. All bills for raising revenue or appropriating moneys shall originate in the house of representatives; but the senate shall propose or concur with amendments, as in other bills.

§ 17. Every bill shall be read three times and on three separate days, in each branch of the general assembly, before it shall pass, unless in cases of actual invasion or insurrection; nor shall any law or ordinance pass, containing any matter different from what is expressed in the title thereof; and all acts shall be signed by the president in the senate, and speaker in the house of representatives: No bill or ordinance which shall have been rejected by either house, shall be brought in again during the session, under the same or any other title, without the consent of two-thirds of each branch.

§ 18. Each senator and representative, before he be permitted to take his seat, shall take an oath, or make affirmation, that he hath not practised any unlawful means, either directly or indirectly, to procure his election; and every person shall be disqualified from serving as a senator or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for such election; and every candidate employing like means, and not elected, shall, on conviction, be ineligible to hold a seat in either house, or to hold any office of honour or profit for the term of one year, and to such other disabilities or penalties as may be prescribed by law.

§ 19. Every member of the senate and house of representa-

tives shall, before he takes his seat, take the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm, as the case may be) that I have not obtained my election by bribery, treats, canvassing, or other undue or unlawful means, used by myself, or others by my desire or approbation, for that purpose; that I consider myself constitutionally qualified as a senator or representative; and that, on all questions and measures which may come before me, I will give my vote, and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this state; and that I will bear true faith and allegiance to the same; and to the utmost of my power and ability observe, conform to, support, and defend the constitution thereof."

§ 20. No person who hath been or may be convicted of felony before any court of this state, or any of the United States, shall be eligible to any office or appointment of honour, profit, or trust, within this state.

§ 21. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that at which the two branches shall be sitting; and in case of disagreement between the senate and house of representatives, with respect to their adjournment, the governor may adjourn them.

§ 22. The general assembly shall have power to make all laws and ordinances which they shall deem necessary and proper for the good of the state, which shall not be repugnant to this constitution.

§ 23. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off, as out of the other territory belonging to the state: but the property of the soil, in a free government, being one of the essential rights of a free people, it is necessary, in order to avoid disputes, that the limits of this state should be ascertained with precision and exactness; and this convention, composed of the immediate representatives of the people, chosen by them to assert their rights, to revise the powers given by them to the government, and from whose will all ruling authority of right flows, doth assert and declare, the boundaries of this state shall be as follows, that is to say: the limits, boundaries, jurisdictions, and authority of the state of Georgia, do, and did, and of right ought to, extend from the sea or mouth of the river Savannah, along the northern branch or stream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the most northern branch or stream of the said river Tugalo, till it intersect the northern boundary line of South Carolina, if the said branch or stream of Tugalo extends so far north, reserving all the islands in the said river Savannah and Tugalo to Georgia; but, if the head spring or source of any branch or stream of

the said river Tugalo does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo river, which extends to the highest northern latitude; thence, down the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south, by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola, or Chatahoochee; thence, along the middle thereof, to its junction with Flint river; thence straight to the head of St. Mary's river; and thence, along the middle of St. Mary's river, to the Atlantic ocean, and from thence to the mouth or inlet of Savannah river, the place of beginning: including and comprehending all the lands and waters within the said limits, boundaries, and jurisdictional rights; and also all the islands within twenty leagues of the sea coast. And this convention doth further declare and assert, that all the territory without the present temporary line, and within the limits aforesaid, is now, of right, the property of the free citizens of this state, and held by them in sovereignty, inalienable but by their consent. Provided, nevertheless, That nothing herein contained shall be construed so as to prevent a sale to, or contract with, the United States, by the legislature of this state, of and for all or any part of the western territory of this state, lying westward of the river Chatahoochee, on such terms as may be beneficial to both parties; and may procure an extension of settlement, and extinguishment of Indian claims, in and to the vacant territory of this state to the east and north of the said river Chatahoochee, to which the territory, such power of contract or sale, by the legislature, shall not extend: And provided also, The legislature may give its consent to the establishment of one or more governments westward thereof; but monopolies of land by individuals being contrary to the spirit of our free government, no sale of territory of this state, or any part thereof, shall take place to individuals or private companies, unless a county or counties shall have been first laid off, including such territory, and the Indian rights shall have been extinguished thereto.

§ 24. The foregoing section of this article having declared the common rights of the free citizens of this state in and to all the territory without the present temporary boundary line, and within the limits of this state thereby defined, by which the contemplated purchases of certain companies of a considerable portion thereof are become constitutionally void; and justice and good faith require, that the state should not detain a consideration for a contract which has failed; the legislature, at their next session, shall make provision by law for returning to any person or persons who has or have *bona fide* deposited

moneys for such purchases in the treasury of this state: Provided, That the same shall not have been drawn therefrom in terms of the act passed the thirteenth day of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety-six and one thousand seven hundred and ninety-seven: nor shall the moneys paid for such purchases ever be deemed a part of the funds of this state, or be liable to appropriation as such; but until such moneys be drawn from the treasury, they shall be considered altogether at the risk of the persons who have deposited the same. No money shall be drawn out of the treasury or from the public funds of this state, except by appropriation made by law: and a regular statement and account of the receipts and expenditures of all public moneys shall be published from time to time. No vote, resolution, law, or order, shall pass the general assembly, granting a donation or gratuity in favour of any person whatever, but by the concurrence of two-thirds of the general assembly.

§ 25. It shall be the duty of the justices of the inferior court, or any three of them, in each county respectively, within sixty days after the adjournment of this convention, to appoint one or more fit persons in each county, not exceeding one for each battalion district, whose duty it shall be to take a full and accurate census or enumeration of all free white persons and people of colour residing therein, distinguishing, in separate columns, the free white persons from persons of colour, and return the same to the clerks of the superior courts of the several counties, certified under their hands, on or before the first day of December next; the persons so appointed, being first severally sworn before the said justices, or either of them, duly and faithfully to perform the trust reposed in them; and it shall be the duty of the said clerks to transmit all such returns, under seal, directed to the speaker of the house of representatives, at the first session of the legislature thereafter. And it shall be the duty of the general assembly, at their said first session, to apportion the members of the house of representatives among the several counties, agreeably to the plan prescribed by this constitution, and to provide an adequate compensation for the taking of the said census. Every person whose usual place of abode shall be in any family on the first Monday in July next, shall be returned as of such family, and of every person occasionally absent at the time of taking the enumeration, as belonging to that place in which he usually resides. The general assembly shall, by law, direct the manner of taking such census or enumeration, within every subsequent term of seven years, in conformity to this constitution. And it is declared to be the duty of all officers, civil and military, throughout the state, to be aiding and assisting in the true and faithful execution thereof. In case the

justices of the inferior courts should fail to make such appointments, or if there should not be a sufficient number of such justices in any county, then the justices of the peace, or any three of them, shall have and exercise like powers and authority respecting the said census; and if the census or enumeration of any county shall not be so taken and returned, then, and in that case, the general assembly shall apportion the representation of such county according to the best evidence in their power, relative to its population.

ARTICLE 2.

§ 1. The executive power shall be vested in a governor, who shall hold his office during the term of two years, and until such time as a successor shall be chosen and qualified. He shall have a competent salary, established by law, which shall not be increased or diminished during the period for which he shall have been elected; neither shall he receive, within that period, any other emolument from the United States, or either of them, or from any foreign power.

§ 2. The governor shall be elected by the general assembly, at their second annual session after the rising of this convention, and at every second annual session thereafter, on the second day after the two houses shall be organized and competent to proceed to business.

§ 3. No person shall be eligible to the office of governor who shall not have been a citizen of the United States twelve years, and an inhabitant of this state six years, and who hath not attained to the age of thirty years, and who does not possess five hundred acres of land, in his own right, within this state, and other property to the amount of four thousand dollars, and whose estate shall not, on a reasonable estimation, be competent to the discharge of his debts, over and above that sum.

§ 4. In case of the death, resignation, or disability of the governor, the president of the senate shall exercise the executive powers of government until such disability be removed, or until the next meeting of the general assembly.

§ 5. The governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will faithfully execute the office of governor to the state of Georgia; and will, to the best of my abilities, preserve, protect, and defend the said state, and cause justice to be executed in mercy therein, according to the constitution and laws thereof."

§ 6. He shall be commander-in-chief of the army and navy of this state, and of the militia thereof.

§ 7. He shall have power to grant reprieves for offences against the state, except in cases of impeachment, and to grant pardons or to remit any part of a sentence, in all cases after con-

viction, except for treason or murder, in which cases he may respite the execution, and make report thereof to the next general assembly, by whom a pardon may be granted.

§ 8. He shall issue writs of election to fill up all vacancies that happen in the senate or house of representatives; and shall have power to convene the general assembly on extraordinary occasions; and shall give them, from time to time, information of the state of the republic, and recommend to their consideration such measures as he may deem necessary and expedient.

§ 9. When any office shall become vacant by death, resignation, or otherwise, the governor shall have the power to fill such vacancy; and persons so appointed shall continue in office until a successor is appointed, agreeably to the mode pointed out by this constitution or by the legislature.

§ 10. He shall have the revision of all bills passed by both houses, before the same shall become laws; but two-thirds of both houses may pass a law notwithstanding his dissent; and if any bill should not be returned by the governor within five days after it hath been presented to him, the same shall be a law, unless the general assembly, by their adjournment, shall prevent its return.

§ 11. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor; and, before it shall take effect, be approved by him; or, being disapproved, may be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

§ 12. There shall be a secretary of the state, a treasurer, and a surveyor general, appointed in the same manner and at the same session of the legislature, and they shall hold their offices for the like period as the governor, and shall have a competent salary, including such emoluments as may be established by law, which shall not be increased or diminished during the period for which they shall have been elected.

§ 13. The great seal of the state shall be deposited in the office of the secretary of state, and shall not be affixed to any instrument of writing, but by order of the governor or general assembly; and the general assembly shall, at their first session after the rising of this convention, cause the great seal to be altered by law.

§ 14. The governor shall have power to appoint his own secretaries.

ARTICLE 3.

§ 1. The judicial powers of this state shall be vested in a superior court, and in such inferior jurisdictions as the legislature shall, from time to time, ordain and establish. The judges of the superior courts shall be elected for the term of three years,

removable by the governor, on the address of two-thirds of both houses for that purpose, or by impeachment and conviction thereon. The superior court shall have exclusive and final jurisdiction in all criminal cases which shall be tried in the county wherein the crime was committed, and in all cases respecting titles to land, which shall be tried in the county where the land lies; and shall have power to correct errors in inferior judicatories by writs of *certiorari*, as well as errors in the superior courts, and to order new trials on proper and legal grounds: Provided, That such new trials shall be determined, and such errors corrected, in the superior court of the county in which such action originated. And the said court shall also have appellative jurisdiction in such other cases as the legislature may by law direct, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials, or correction of error, shall enter their opinions on the minutes of the court. The inferior courts shall have cognizance of all other civil cases, which shall be tried in the county wherein the defendant resides, except in cases of joint obligors, residing in different counties, which may be commenced in either county: and a copy of the petition and process, served on the party or parties residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature may direct; but the legislature may, by law, to which two-thirds of each branch shall concur, give concurrent jurisdiction to the superior courts. The superior and inferior courts shall sit in each county twice in every year, at such stated times as the legislature shall appoint.

§ 2. The judges shall have salaries adequate to their services, established by law, which shall not be increased or diminished during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

§ 3. There shall be a state's attorney and solicitors appointed by the legislature, and commissioned by the governor, who shall hold their offices for the term of three years, unless removed by sentence on impeachment, or by the governor, on the address of two-thirds of each branch of the general assembly. They shall have salaries adequate to their services, established by law, which shall not be increased or diminished during their continuance in office.

§ 4. Justices of the inferior courts shall be appointed by the general assembly, and be commissioned by the governor, and shall hold their commissions during good behaviour, or as long as they respectively reside in the county for which they shall be appointed, unless removed by sentence on impeachment, or by the governor, on the address of two-thirds of each branch

of the general assembly. They may be compensated for their services in such manner as the legislature may by law direct.

§ 5. The justices of the peace shall be nominated by the inferior courts of the several counties, and commissioned by the governor; and there shall be two justices of the peace, in each captain's district, either or both of whom shall have power to try all cases of a civil nature within their district, where the debt or litigated demand does not exceed thirty dollars, in such manner as the legislature may by law direct. They shall hold their appointments during good behaviour, or until they shall be removed by conviction, on indictment in the superior court, for malepractice in office, or for any felonious or infamous crime, or by the governor, on the address of two-thirds of each branch of the legislature.

§ 6. The powers of a court of ordinary or register of probates shall be invested in the inferior courts of each county, from whose decision there may be an appeal to the superior court, under such restrictions and regulations as the general assembly may by law direct; but the inferior court shall have power to vest the care of the records, and other proceedings therein, in the clerk, or such other person as they may appoint, and any one or more justices of the said court, with such clerk or other person, may issue citations and grant temporary letters, in time of vacation, to hold until the next meeting of the said court; and such clerk or other person may grant marriage licenses.

§ 7. The judges of the superior courts, or any one of them, shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect.

§ 8. Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested, and arranged under proper heads, and promulgated in such manner as the legislature may direct; and no person shall be debarred from advocating or defending his cause, before any court or tribunal, either by himself or counsel, or both.

§ 9. Divorces shall not be granted by the legislature, until the parties shall have had a fair trial before the superior court, and a verdict shall have been obtained, authorizing a divorce upon legal principles. And in such cases, two-thirds of each branch of the legislature may pass acts of divorce accordingly.

§ 10. The clerks of the superior and inferior courts shall be appointed in such manner as the legislature may by law direct, shall be commissioned by the governor, and shall continue in office during good behaviour.

§ 11. Sheriffs shall be appointed in such manner as the general assembly may by law direct, and shall hold their appointments for the term of two years, unless sooner removed by sentence on impeachment, or by the governor on the address

of two-thirds of the justices of the inferior court and of the peace in the county; but no person shall be twice elected sheriff within any term of four years; and no county officer after the next election shall be chosen at the time of electing a senator or representative.

ARTICLE 4.

§ 1. The electors of members of the general assembly shall be citizens and inhabitants of this state, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months within the county: Provided, that, in case of invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants, being a majority of the voters of such county, may meet under the direction of any three justices of the peace thereof, in the nearest county, not in a state of alarm, and proceed to an election, without having paid such tax so required of electors, and the persons elected thereat shall be entitled to their seats.

§ 2. All elections by the general assembly shall be by joint ballot of both branches of the legislature; and when the senate and house of representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the senate shall in such case preside, receive the ballots, and declare the person or persons elected. In all elections by the people, the electors shall vote *viva voce*, until the legislature shall otherwise direct.

§ 3. The general officers of the militia shall be elected by the general assembly, and shall be commissioned by the governor. All other officers of the militia shall be elected in such manner as the legislature may direct, and shall be commissioned by the governor; and all militia officers now in commission, and those which may be hereafter commissioned, shall hold their commissions during their usual residence within the division, brigade, regiment, battalion, or company, to which they belong, unless removed by sentence of a court martial, or by the governor, on the address of two-thirds of each branch of the general assembly.

§ 4. All persons appointed by the legislature to fill vacancies shall continue in office only so long as to complete the time for which their predecessors were appointed.

§ 5. Freedom of the press, and trial by jury, as heretofore used in this state, shall remain inviolate; and no ex post facto law shall be passed.

§ 6. No person who heretofore hath been, or hereafter may be, a collector, or holder of public moneys, shall be eligible to

any office in this state, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

§ 7. The person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law.

§ 8. Convictions on impeachments which have heretofore taken place, are hereby released, and persons lying under such convictions restored to citizenship.

§ 9. The writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

§ 10. No person within this state shall, upon any pretence, be deprived of the inestimable privilege of worshiping God in a manner agreeable to his own conscience, nor be compelled to attend any place of worship contrary to his own faith and judgment; nor shall he ever be obliged to pay tithes, taxes, or any other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or hath voluntarily engaged to do. No one religious society shall ever be established in this state, in preference to any other; nor shall any person be denied the enjoyment of any civil right, merely on account of his religious principles.

§ 11. There shall be no future importation of slaves into this state, from Africa or any foreign place, after the first day of October next. The legislature shall have no power to pass laws for the emancipation of slaves without the consent of each of their respective owners, previous to such emancipation. They shall have no power to prevent emigrants from either of the United States to this state, from bringing with them such persons as may be deemed slaves by the laws of any one of the United States.

§ 12. Any person who shall maliciously dismember or deprive a slave of his life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such slave, and unless such death should happen by accident, in giving such slave moderate correction.

§ 13. The arts and sciences shall be promoted, in one or more seminaries of learning; and the legislature shall, as soon as conveniently may be, give such further donations and privileges to those already established, as may be necessary to secure the objects of their institution; and it shall be the duty of the general assembly, at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

§ 14. All civil officers shall continue in the exercise of the duties of their several offices, during the periods for which they were appointed, or until they shall be superseded by appointments made in conformity to this constitution: And all laws now in force shall continue to operate, so far as they are compatible with this constitution, until repealed; and it shall be the duty of the general assembly to pass all necessary laws and regulations for carrying this constitution into full effect.

§ 15. No part of this constitution shall be altered, unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the house of representatives, and three times in the senate, on three several days in each house, and agreed to by two-thirds of each house respectively; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the general assembly; and if such alterations, or any of them, so proposed, shall be agreed to in their first session thereafter, by two-thirds of each branch of the general assembly, after the same shall have been read three times, on three separate days, in each respective house, then, and not otherwise, the same shall become a part of this constitution.

We, the underwritten delegates of the people of the state of Georgia, chosen and authorized by them to revise, alter, or amend the powers and principles of their government, do declare, ordain, and ratify the several articles and sections contained in the six pages hereunto prefixed, as the constitution of this state; and the same shall be in operation from the date hereof.

In testimony whereof, we, and each of us, respectively, have hereunto set our hands, at Louisville, the seat of government, this thirteenth day of May, in the year of our Lord, one thousand seven hundred and ninety-eight, and in the twenty-second year of the Independence of the United States of America; and have caused the great seal of the state to be affixed thereto.

Article 4th, section 11th, and first line, the following words being interlined, to wit—"after the first day of October next."

JARED IRWIN, *President.*

Joseph Clay, jun.
J. B. Maxwell,
John Pray,
Benjamin Davis,
John Morrison,
John Milton,
James Bird,

G. W. Foster,
Jonas Fauche,
James Nisbet,
Chas. Abercrombee,
Thomas Lamar,
Matt. Rabun,
Peter J. Carnes,

Andrew E. Wells,
Charles M'Call, jun.
James Seagrove,
Thomas Stafford,
James Jackson,
James Jones,
George Jones,
James Simms,
Wa. Drane,
James M'Neil,
John King,
John London,
Thomas Polhill,
William Barnett,
R. Hunt,
Benjamin Mosely,
A. Franklin,
Robert Walters,
Thomas Gilbert,
John Burnett,
John Couper,
Thomas Spalding,
James H. Rutherford,
James Oliver,
John Watts,
George Franklin,
John Lawson,
William Fleming,
R. D. Gray,
George Wilson,
James Pittman,
Joseph Humpheris,
James Cochran,
James Powell,
James Dunwody,
Henry Ware,
Gibson Woodridge,
Jared Gore,
John H. M'Intosh,
James Gignilliat,
Benjamin Harrison,
John Watts,
John Jones,
John Lumpkin,
Thomas Duke,
Burwell Pope,
Robert Watkins,
Abraham Jones,
Lewis Lanier,
Arthur Fort,
W. Sith, jr.
Matthew Talbot,
Jesse Mercer,
Benjamin Taliaferro.

Attest,

JAMES M. SIMMONS, Secretary.

AMENDMENT TO THE CONSTITUTION OF GEORGIA.

A recent amendment of the 4th and 5th sections of the 3d article of the constitution of Georgia, provides, substantially, as follows: Five justices of the inferior court shall be elected, annually, by voters in each county, to preside in the inferior courts of the county; and justices of the peace shall be elected, annually, by the voters in every militia captain's district.

CONSTITUTION OF KENTUCKY.

The Constitution or form of government for the State of Kentucky.

We, the representatives of the people of the state of Kentucky, in convention assembled, to secure to all the citizens thereof the enjoyment of the right of life, liberty, and property, and of pursuing happiness, do ordain and establish this constitution for its government:

ARTICLE 1.

Concerning the Legislative Department.

§ 1. The powers of the government of the state of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

2. No person or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

ARTICLE 2.

Concerning the distribution of the powers of the Government.

§ 1. The legislative power of this commonwealth shall be vested in two distinct branches; the one to be styled the house of representatives, the other the senate, and both together, *the general assembly of the commonwealth of Kentucky.*

2. The members of the house of representatives shall continue in service for the term of one year from the day of the commencement of the general election, and no longer.

3. Representatives shall be chosen on the first Monday in the month of August in every year; but the presiding officers of the several elections shall continue the same for three days, at the request of any one of the candidates.

4. No person shall be a representative, who at the time of his election is not a citizen of the United States, and hath not attained to the age of twenty-four years, and resided in this state two years next preceding his election, and the last year thereof in the county or town for which he may be chosen.

5. Elections for representatives for the several counties entitled to representation shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper, from time to time, to divide any or all of those counties: Provided, that when it shall

appear to the legislature that any town hath a number of qualified voters equal to the ratio then fixed, such town shall be invested with the privilege of a separate representation, which shall be retained so long as such town shall contain a number of qualified voters equal to the ratio which may from time to time be fixed by law, and thereafter elections, for the county in which such town is situated, shall not be held therein.

6. Representation shall be equal and uniform in this commonwealth; and shall be for ever regulated and ascertained by the number of qualified electors therein. In the year eighteen hundred and three, and every fourth year thereafter, an enumeration of all the free male inhabitants of the state, above twenty-one years of age, shall be made, in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than fifty-eight, nor more than one hundred, and they shall be apportioned for the four years next following, as near as may be, among the several counties and towns, in proportion to the number of qualified electors: but, when a county may not have a sufficient number of qualified electors to entitle it to one representative, and when the adjacent county or counties may not have a residuum or residuums, which, when added to the small county, would entitle it to a separate representation, it shall then be in the power of the legislature to join two or more together, for the purpose of sending a representative: Provided, that when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums when added together will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

7. The house of representatives shall choose its speaker and other officers.

8. In all elections for representatives, every free male citizen (negroes, mulattoes, and Indians excepted) who, at the time being, hath attained to the age of twenty-one years, and resided in the state two years, or the county or town in which he offers to vote one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except as is herein otherwise provided. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, and returning from elections.

9. The members of the senate shall be chosen for the term of four years; and when assembled shall have the power to choose its officers annually.

10. At the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into four classes: the seats of the sena-

tors of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class, at the expiration of the fourth year; so that one fourth shall be chosen every year, and a rotation thereby kept up perpetually.

11. The senate shall consist of twenty-four members at least, and for every three members above fifty-eight, which shall be added to the house of representatives, one member shall be added to the senate.

12. The same number of senatorial districts shall, from time to time, be established by the legislature, as there may then be senators allotted to the state; which shall be so formed as to contain, as near as may be, an equal number of free male inhabitants in each, above the age of twenty-one years, and so that no county shall be divided, or form more than one district; and where two or more counties compose a district, they shall be adjoining.

13. When an additional senator may be added to the senate, he shall be annexed by lot to one of the four classes, so as to keep them as nearly equal in number as possible.

14. One senator for each district shall be elected by those qualified to vote for representatives therein, who shall give their votes at the several places in the counties or towns where elections are by law directed to be held.

15. No person shall be a senator who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of thirty-five years, and resided in this state six years next preceding his election, and the last year thereof in the district from which he may be chosen.

16. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter there shall, in like manner, be an annnal election for senators, to fill the places of those whose time of service may have expired.

17. The general assembly shall convene on the first Monday in the month of November in every year, unless a different day be appointed by law; and their session shall be held at the seat of government.

18. Not less than a majority of the members of each house of the general assembly shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members, in such manner, and under such penalties, as may be prescribed thereby.

19. Each house of the general assembly shall judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

20. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behaviour; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

21. Each house of the general assembly shall keep and publish, weekly, a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

22. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

23. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be one dollar and a half a day, during their attendance on, going to, and returning from the sessions of their respective houses: Provided, that the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made.

24. The members of the general assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to, and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

25. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the time such senator or representative was in office, except to such offices or appointments as may be made or filled by the elections of the people.

26. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society, or sect; nor whilst he holds or exercises any office of profit under this commonwealth, shall be eligible to the general assembly; except attorneys at law, justices of the peace, and militia officers: Provided, that justices of the courts of quarter sessions shall be ineligible so long as any compensation may be allowed them for their services: Provided, also, that attorneys for the commonwealth, who receive a fixed annual salary from the public treasury, shall be ineligible.

27. No person who at any time may have been a collector of taxes for the state, or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quietus for the amount of such collection, and for all public moneys for which he may be responsible.

28. No bill shall have the force of a law until on three seve-

ral days it be read over in each house of the general assembly, and free discussion allowed thereon; unless, in cases of urgency, four-fifths of the house where the bill shall be depending, may deem it expedient to dispense with this rule.

29. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills: Provided, that they shall not introduce any new matter, under the colour of an amendment, which does not relate to raising a revenue.

30. The general assembly shall regulate, by law, by whom and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ARTICLE 3.

Concerning the Executive Department.

§ 1. The supreme executive power of the commonwealth shall be vested in a chief magistrate, who shall be styled the governor of the commonwealth of Kentucky.

2. The governor shall be elected for the term of four years by the citizens entitled to suffrage at the time and places where they shall respectively vote for representatives. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the legislature may direct.

3. The governor shall be ineligible for the succeeding seven years after the expiration of the time for which he shall have been elected.

4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years next preceding his election.

5. He shall commence the execution of his office on the fourth Tuesday succeeding the day of the commencement of the general election on which he shall be chosen, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmations prescribed by this constitution.

6. No member of congress, or person holding any office under the United States, nor minister of any religious society, shall be eligible to the office of governor.

7. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

8. He shall be commander-in-chief of the army and navy of this commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but

he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general assembly.

9. He shall nominate, and, by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution or shall be established by law, and whose appointments are not herein otherwise provided for: Provided, that no person shall be so appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties from which it shall have been taken: Provided, also, that the county courts be authorized by law to appoint inspectors, collectors, and their deputies, surveyors of the high-ways, constables, jailors, and such other inferior officers, whose jurisdiction may be confined within the limits of a county.

10. The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session.

11. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he shall have power to grant reprieves until the end of the next session of the general assembly; in which the power of pardoning shall be vested.

12. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

13. He shall from time to time give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall deem expedient.

14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

15. He shall take care that the laws be faithfully executed.

16. A lieutenant governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor, and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

17. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects; and, when the senate are equally divided, to give the casting vote.

18. In case of the impeachment of the governor, his removal

from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached shall return or be acquitted.

19. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker, for that occasion. And if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

20. The lieutenant governor, while he acts as speaker to the senate, shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received and been entitled to had he been employed in the duties of his office.

21. The speaker pro tempore of the senate, during the time he administers the government, shall receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office.

22. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary, for the time being, to convene the senate for the purpose of choosing a speaker.

23. An attorney general, and such other attorneys for the commonwealth as may be necessary, shall be appointed, whose duty shall be regulated by law. Attorneys for the commonwealth, for the several counties, shall be appointed by the respective courts having jurisdiction therein.

24. A secretary shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law.

25. Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it;

if, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be likewise considered, and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively; if any bill shall not be returned by the governor, within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

26. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him; or, being disapproved, shall be repassed, by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

27. Contested elections for a governor and lieutenant governor shall be determined by a committee to be selected from both houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

28. The freemen of this commonwealth, (negroes, mulattoes, and Indians, excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

29. The commanding officers of the respective regiments shall appoint the regimental staff; brigadier generals their brigade majors; major generals, their aids; and captains, the non-commissioned officers of companies.

30. A majority of the field officers and captains in each regiment shall nominate the commissioned officers in each company, who shall be commissioned by the governor; Provided, that no nomination shall be made, unless two at least of the field officers are present; and when two or more persons have an equal and the highest number of votes, the field officer present, who may be highest in commission, shall decide the nomination.

31. Sheriffs shall hereafter be appointed in the following manner: When the time of a sheriff for any county may be about to expire, the county court for the same, a majority of all its justices being present, shall, in the months of September, October, or November, next preceding thereto, recommend to the governor two proper persons to fill the office, who are then justices of the county court; and who shall in such recommen-

dation pay a just regard to seniority in office and a regular rotation. One of the persons so recommended shall be commissioned by the governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified. If the county courts shall omit, in the months aforesaid, to make such recommendation, the governor shall then nominate, and, by and with the advice and consent of the senate, appoint a fit person to fill such office.

ARTICLE 4.

Concerning the Judicial Department.

§ 1. The judiciary power of this commonwealth, both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the court of appeals, and in such inferior courts as the general assembly may from time to time erect and establish.

2. The court of appeals, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only; which shall be co-extensive with the state, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law.

3. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; but for any reasonable cause which shall not be sufficient ground of impeachment, the governor shall remove any of them on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each house. They shall at stated times receive for their services an adequate compensation to be fixed by law.

4. The judges shall, by virtue of their office, be conservators of the peace throughout the state. The style of all process shall be, "the commonwealth of Kentucky." All prosecutions shall be carried on in the name, and by the authority, of the commonwealth of Kentucky, and conclude, against the peace and dignity of the same.

5. There shall be established in each county, now, or which may hereafter be erected, within this commonwealth, a county court.

6. A competent number of justices of the peace shall be appointed in each county; they shall be commissioned during good behaviour, but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each house.

7. The number of the justices of the peace to which the several counties in this commonwealth now established, or which may hereafter be established, ought to be entitled, shall from time to time be regulated by law.

8. When a surveyor, coroner, or justice of the peace shall be needed in any county, the county court for the same, a majority of all its justices concurring therein, shall recommend to the governor two proper persons to fill the office, one of whom he shall appoint thereto: Provided, however, that if the county court shall for twelve months omit to make such recommendation, after being requested by the governor to recommend proper persons, he shall then nominate, and, by and with the advice and consent of the senate, appoint a fit person to fill such office.

9. When a new county shall be erected, a competent number of justices of the peace, a sheriff, and coroner therefor, shall be recommended to the governor by a majority of all the members of the house of representatives, from the senatorial district or districts in which the county is situated; and if either of the persons thus recommended shall be rejected by the governor or the senate, another person shall immediately be recommended as aforesaid.

10. Each court shall appoint its own clerk, who shall hold his office during good behaviour; but no person shall be appointed clerk, only pro tempore, who shall not produce to the court appointing him a certificate from a majority of the judges of the court of appeals, that he had been examined by their clerk in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk of any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behaviour, by the court of appeals only, who shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

11. All commissions shall be in the name, and by the authority, of the state of Kentucky, and sealed with the state seal, and signed by the governor.

12. The state treasurer, and printer or printers for the commonwealth, shall be appointed annually by the joint vote of both houses of the general assembly: Provided, that, during the recess of the same, the governor shall have power to fill vacancies which may happen in either of the said offices.

ARTICLE 5.

Concerning Impeachments.

§ 1. The house of representatives shall have the sole power of impeaching.

2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation: No person shall be convicted without the concurrence of two-thirds of the members present.

3. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under this commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment, according to law.

ARTICLE 6.

General Provisions.

§ 1. Members of the general assembly and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be,) that I will be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute to the best of my abilities, the office of ——, according to law."

2. Treason against the commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

3. Every person shall be disqualified from serving as a governor, lieutenant governor, senator, or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat to procure his election.

4. Laws shall be made to exclude from office, and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law, nor shall any appropriations of money, for the support of an army, be made for a longer time than one year; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

6. The general assembly shall direct by law in what manner, and in what courts, suits may be brought against the commonwealth.

7. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the general assembly the most solemn appeal to God.

8. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the state of Virginia, and which are of a general nature, and not local to that state, and not repugnant to this constitution, nor to the laws which have been enacted by the legislature of this commonwealth, shall be in force within this state, until they shall be altered or repealed by the general assembly.

9. The compact with the state of Virginia, subject to such alterations as may be made therein, agreeably to the mode prescribed by the said compact, shall be considered as part of this constitution.

10. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

11. All civil officers for the commonwealth at large shall reside within the state, and all district, county, or town officers, within their respective districts, counties, or towns, (trustees of towns excepted,) and shall keep their respective offices at such places therein as may be required by law; and all militia officers shall reside in the bounds of the division, brigade, regiment, battalion, or company, to which they may severally belong.

12. The attorney general, and other attorneys for this commonwealth, who receive a fixed annual salary from the public treasury, judges, and clerks of courts, justices of the peace, surveyors of lands, and all commissioned militia officers, shall hold their respective offices during good behaviour, and the continuance of their respective courts, under the exceptions contained in this constitution.

13. Absence on the business of this state, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this commonwealth, under the exceptions contained in this constitution.

14. It shall be the duty of the general assembly to regulate by law in what cases and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

15. Returns of all elections for governor, lieutenant governor, and members of the general assembly, shall be made to the secretary, for the time being.

16. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be personally and publicly given, viva voce.

17. No member of congress, nor person holding or exercis-

ing any office of trust, or profit, under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this commonwealth, or hold or exercise any office of trust, or profit, under the same.

18. The general assembly shall direct by law how persons who now are, or may hereafter become, securities for public officers, may be relieved or discharged on account of such securityship.

ARTICLE 7.

Concerning Slaves.

§ 1. The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state. They shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to any county in this commonwealth. They shall have full power to prevent slaves being brought into this state as merchandise. They shall have full power to prevent any slaves being brought into this state, who have been, since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be, imported into any of the United States, from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provision, to abstain from all injuries to them extending to life, or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

2. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings in such prosecutions shall be regulated by law: except that the general assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury.

ARTICLE 8.

§ 1. The seat of government shall continue in the town of Frankfort, until it shall be removed by law: Provided, however, that two-thirds of all the members elected to each house of the general assembly shall concur in the passage of such law.

ARTICLE 9.

Mode of revising the Constitution.

§ 1. When experience shall point out the necessity of amending this constitution, and when a majority of all the members elected to each house of the general assembly shall, within the first twenty days of their stated annual session, concur in passing a law, specifying the alterations intended to be made, for taking the sense of the good people of this state, as to the necessity and expediency of calling a convention, it shall be the duty of the several sheriffs, and other returning officers, at the next general election which shall be held for representatives after the passage of such law, to open a poll for, and make return to the secretary, for the time being, of the names of all those entitled to vote for representatives, who have voted for calling a convention; and if thereupon it shall appear that a majority of all the citizens of this state entitled to vote for representatives have voted for a convention, the general assembly shall direct that a similar poll shall be opened and taken for the next year; and if thereupon it shall appear that a majority of all the citizens of this state entitled to vote for representatives have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there shall be in the house of representatives and no more; to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending, or changing this constitution. But if it shall appear, by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called.

ARTICLE 10.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

§ 1. That all free men, when they form a social compact, are equal; and that no man or set of men are entitled to exclusive, separate, public emoluments or privileges, from the community, but in consideration of public services.

2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness: For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority ought, in any case whatever, to control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious societies or modes of worship.

4. That the civil rights, privileges, or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion.

5. That all elections shall be free and equal.

6. That the ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate.

7. That printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

8. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

9. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches; and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

10. That, in all criminal prosecutions, the accused hath a right to be heard by himself and counsel: to demand the nature and cause of the accusation against him: to meet the witnesses face to face: to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

11. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia, when in actual service, in time of war or public danger, by leave of the court, for oppression or misdemeanor in office.

12. No person shall, for the same offence, be twice put in

jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

13. That all courts shall be open, and every person for any injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law; and right and justice administered without sale, denial, or delay.

14. That no power of suspending laws shall be exercised, unless by the legislature or its authority.

15. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

16. That all prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

17. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

18. That no ex post facto law, nor any law impairing contracts, shall be made.

19. That no person shall be attainted of treason or felony by the legislature.

20. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth.

21. That the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

22. That the citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address, or remonstrance.

23. That the right of the citizens to bear arms in defence of themselves and the state shall not be questioned.

24. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall in all cases and at all times be in strict subordination to the civil power.

25. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

26. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behaviour.

27. That emigration from this state shall not be prohibited.
28. To guard against transgressions of the high powers which we have delegated, we declare, that every thing in this article is excepted out of the general powers of government, and shall for ever remain inviolate; and that all laws contrary thereto, or contrary to this constitution, shall be void.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

§ 1. That all laws of this commonwealth, in force at the time of making the said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

2. That all officers now filling any office or appointment, shall continue in the exercise of the duties of their respective offices or appointments for the terms therein expressed, unless by this constitution it is otherwise directed.

3. The oaths of office herein directed to be taken, may be administered by any justice of the peace, until the legislature shall otherwise direct.

4. The general assembly, to be held in November next, shall apportion the representatives and senators, and lay off the state into senatorial districts conformable to the regulations prescribed by this constitution. In fixing those apportionments, and in establishing those districts, they shall take for their guide the enumeration directed by law to be made in the present year, by the commissioners of the tax, and the apportionments thus made shall remain unaltered until the end of the stated annual session of the general assembly in the year eighteen hundred and three.

5. In order that no inconvenience may arise from the change made by this constitution in the time of holding the general election, it is hereby ordained that the first election for governor, lieutenant governor, and members of the general assembly, shall commence on the first Monday in May, in the year eighteen hundred. The persons then elected shall continue in office during the several terms of service prescribed by this constitution, and until the next general election which shall be held after their said terms shall have respectively expired. The returns for the said first election of governor and lieutenant governor shall be made to the secretary, within fifteen days from the day of election, who shall, as soon as may be, examine and count the same, in the presence of at least

two judges of the court of appeals, or district courts, and shall declare who are the persons thereby duly elected, and give them official notice of their election; and if any persons shall be equal and highest on the poll, the said judges and secretary shall determine the election by lot.

6. This constitution, except so much thereof as is therein otherwise directed, shall not be in force until the first day of June, in the year eighteen hundred; on which day the whole thereof shall take full and complete effect.

Done in convention, at Frankfort, the seventeenth day of August, one thousand seven hundred and ninety-nine, and of the independence of the United States of America the twenty-fourth.

ALEXANDER S. BULLIT, P. C.

John Allen,
Charles Smith,
Robert Wilmot,
James Duncan,
William Griffith,
Nathaniel Rogers,
William Sudduth,
John Ewing,
John Breckenridge,
John M'Dowell,
John Bell,
H. Harrison,
B. Thurston,
Walter Carr,
Harry Innis,
John Logan,
George Stockton,
William M. Bledsoe,
William Casey.
Henry Coleman,
William Elliot Boswell,
Richard Taylor,
John Price,
William Logan,
N. Huston,
John Bailey,
Reuben Ewing,
Philemon Thomas,
Philip Buckner,
Thomas Sandford,
Robert Clark,
R. Hickman,
Thomas Marahal, jr.
Joshua Baker,
Peter Brunner,
John Adair,
Thomas Allen,
Samuel Taylor,
Green Clay,
Thomas Clay,
William Irvine,
Jilson Payne,
John Rowan,
Richard Prather,
Nicholas Minor,
Benjamin Logan,
Abraham Owen,
William Henry,
Robert Johnson,
Caleb Wallace,
William Steel,
Felix Grundy,
Robert Abell;
Alexander Davidson.

CONSTITUTION OF TENNESSEE.

The Constitution of the state of Tennessee, unanimously established in convention, at Knoxville, on the sixth day of February, one thousand seven hundred and ninety-six.

WE, the people of the territory of the United States south of the river Ohio, having the right of admission into the government, as a member state thereof, consistent with the constitution of the United States, and the act of cession of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north-west of the river Ohio, do ordain and establish the following constitution, or form of government; and do mutually agree with each other to form ourselves into a free and independent state, by the name of the state of Tennessee.

ARTICLE 1.

§ 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both dependant on the people.

2. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such a manner as shall be directed by law; the number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, apportioned among the several counties, according to the number of taxable inhabitants in each; and shall never be less than twenty-two nor greater than twenty-six, until the number of taxable inhabitants shall be forty thousand; and after that event, at such ratio that the whole number of representatives shall never exceed forty.

3. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

4. The senators shall be chosen by districts, to be formed by the legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than three senators. When a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

5. The first election for senators and representatives shall commence on the second Thursday of March next, and shall continue for that and the succeeding day; and the next election shall commence on the first Thursday of August, one thousand seven hundred and ninety-seven, and shall continue on that and the succeeding day; and for ever thereafter, elections shall be held once in two years, commencing on the first Thursday in August, and terminating the succeeding day.

6. The first session of the general assembly shall commence on the last Monday of March next. The second on the third Monday of September, one thousand seven hundred and ninety-seven. And for ever thereafter the general assembly shall meet on the third Monday of September next ensuing the then election, and at no other period, unless as provided for by this constitution.

7. That no person shall be eligible to a seat in the general assembly, unless he shall have resided three years in the state, and one year in the county immediately preceding the election, and shall possess, in his own right, in the county which he represents, not less than two hundred acres of land, and shall have attained to the age of twenty-one years.

8. The senate and house of representatives, when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day. Two-thirds of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

9. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offence, and shall have all other powers necessary for the legislature of a free state.

10. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

11. Each house may punish, by imprisonment during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence.

12. When vacancies happen in either house, the governor for the time being shall issue writs of election to fill such vacancies.

13. Neither house shall, during their session, adjourn without consent of the other, for more than three days, nor to any other place than that in which the two houses shall be sitting.

14. Bills may originate in either house, but may be amended, altered, or rejected, by the other.

15. Every bill shall be read three times, on three different days, in each house, and be signed by the respective speakers, before it becomes a law.

16. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

17. The style of the laws of this state shall be, *Be it enacted by the general assembly of the state of Tennessee.*

18. Each house shall keep a journal of its proceedings, and publish them, except such parts as the welfare of the state may require to be kept secret; and the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journals.

19. The doors of each house, and committees of the whole, shall be kept open, unless when the business shall be such as ought to be kept secret.

20. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and four, to wit.

The governor not more than seven hundred and fifty dollars.

The judges of the supreme courts not more than six hundred dollars each.

The secretary not more than four hundred dollars.

The treasurer or treasurers, not more than four per cent. for receiving and paying out all moneys.

The attorney or attorneys for the state shall receive a compensation for their services not exceeding fifty dollars for each superior court which he shall attend.

No member of the legislature shall receive more than one dollar and seventy-five cents per day, nor more for every twenty-five miles he shall travel in going to and returning from the general assembly.

21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

22. No person who heretofore hath been, or hereafter may be, a collector or holder of the public moneys, shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

23. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the general assembly; nor shall any person, in this state, hold more than one lucrative office at one and the same time: Provided, that no appointment in the militia, or the office of justice of the peace, shall be considered as a lucrative office.

24. No member of the general assembly shall be eligible to any office or place of trust, except to the office of a justice of the peace, or trustee of any literary institution, where the power of appointment to such office or place of trust is vested in their own body.

25. Any member of either house of the general assembly shall have liberty to dissent from, and protest against, any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the journals.

26. All lands liable to taxation in this state, held by deed, grant, or entry, shall be taxed equal and uniform, in such manner that no one hundred acres shall be taxed higher than another, except town lots, which shall not be taxed higher than two hundred acres of land each; no freeman shall be taxed higher than one hundred acres, and no slave higher than two hundred acres, on each poll.

27. No article manufactured of the produce of this state, shall be taxed otherwise than to pay inspection fees.

ARTICLE 2.

§ 1. The supreme executive power of this state shall be vested in a governor.

2. The governor shall be chosen by the electors of the members of the general assembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

3. He shall be at least thirty-five years of age, and possess a freehold estate of five hundred acres of land, and have been a citizen or inhabitant of this state four years next before his election, unless he shall have been absent on the public business of the United States or of this state.

4. The first governor shall hold his office until the fourth Tuesday of September, one thousand seven hundred and ninety-seven, and until another governor shall be elected and qualified to office; and forever after, the governor shall hold his office for the term of two years, and until another governor shall be

elected and qualified; but shall not be eligible more than six years in any term of eight.

5. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

7. He shall at stated times receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

8. He may acquire information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened.

10. He shall take care that the laws shall be faithfully executed.

11. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

12. In case of his death, or resignation, or removal from office, the speaker of the senate shall exercise the office of governor until another governor shall be qualified.

13. No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor.

14. When any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during the recess, die, or his office by other means become vacant, the governor shall have power to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the legislature.

15. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Tennessee.

16. All grants and commissions shall be in the name and by the authority of the state of Tennessee, be sealed with the state seal, and signed by the governor.

17. A secretary of this state shall be appointed and commissioned during the term of four years. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before the general assembly, and shall perform such other duties as shall be enjoined him by law.

ARTICLE 3.

§ 1. Every freeman, of the age of twenty-one years and upwards, possessing a freehold in the county wherein he may vote, and being an inhabitant of this state, and every freeman being an inhabitant of any one county in the state six months immediately preceding the day of election, shall be entitled to vote for members of the general assembly for the county in which he shall reside.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

3. All elections shall be by ballot.

ARTICLE 4.

§ 1. The house of representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation.

3. No person shall be convicted without the concurrence of two-thirds of the members of the whole house.

4. The governor, and all civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office; and disqualification to hold any office of honour, trust, or profit, under this state The party shall, nevertheless, in all cases, be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE 5.

§ 1. The judiciary power of this state shall be vested in such superior and inferior courts of law and equity as the legislature shall, from time to time, direct and establish.

2. The general assembly shall, by joint ballot of both houses, appoint judges of the several courts of law and equity; also an attorney or attorneys for the state, who shall hold their respective offices during good behaviour.

3. The judges of the superior court shall, at stated times, receive a compensation for their services, to be ascertained by law; but shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this state or the United States.

4. The judges of the superior courts shall be justices of oyer and terminer and general gaol delivery throughout the state.

5. The judges of the superior and inferior courts shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

6. The judges of the superior courts shall have power in all civil cases to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior court of record into the superior, on sufficient cause, supported by oath or affirmation.

7. The judges or justices of the inferior courts of law shall have power, in all cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior jurisdiction, into their court, on sufficient cause, supported by oath or affirmation.

8. No judge shall sit on the trial of any cause where the parties shall be connected with him, by affinity or consanguinity, except by consent of parties. In case all the judges of the superior court shall be interested in the event of any cause, or related to all or either of the parties, the governor of the state shall, in such case, specially commission three men, of law knowledge, for the determination thereof.

9 All writs and other process shall run, *in the name of the state of Tennessee;* and bear test, and be signed by the respective clerks. Indictments shall conclude, *against the peace and dignity of the state.*

10 Each court shall appoint its own clerk, who may hold his office during good behaviour.

11. No fine shall be laid on any citizen of this state that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine ought to be more than fifty dollars.

12. There shall be justices of the peace appointed for each county, not exceeding two for each captain's company, except for the company which includes the county town, which shall not exceed three, who shall hold their offices during good behaviour.

ARTICLE 6.

§ 1. There shall be appointed in each county, by the county court, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years. They shall also have power to appoint one register, and ranger for the county, who shall hold their offices during good behaviour. The sheriff, and coroner, shall be commissioned by the governor.

2. There shall be a treasurer or treasurers appointed for the state, who shall hold his or their offices for two years.

3. The appointment of all officers, not otherwise directed by this constitution, shall be vested in the legislature.

ARTICLE 7.

§ 1. Captains, subalterns, and non-commissioned officers, shall be elected by those citizens, in their respective districts, who are subject to military duty.

2. All field officers of the militia shall be elected by those citizens in their respective counties who are subject to military duty.

3. Brigadiers general shall be elected by the field officers of their respective brigades.

4. Majors general shall be elected by the brigadiers and field officers of the respective divisions.

5. The governor shall appoint the adjutant general; the majors general shall appoint their aids; the brigadiers general shall appoint their brigade majors; and the commanding officers of regiments, their adjutants and quarter masters.

6. The captains and the subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the districts shall be appointed by the said captains and subalterns, provided, that whenever any new county is laid off, that the field officers of said cavalry shall appoint the captain and other officers therein, *pro tempore*, until the company is filled up and completed, at which time the election of the captains and subalterns shall take place as aforesaid.

7. The legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE 8.

§ 1. Whereas the ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature.

2. No person who denies *the being of God, or a future state of rewards and punishments*, shall hold any office in the civil department of this state.

ARTICLE 9.

§ 1. That every person who shall be chosen or appointed to any office of trust, or profit, shall, before entering on the execution thereof, take an oath to support the constitution of this state, and also an oath of office.

2. That each member of the senate and house of representa-

tives shall, before they proceed to business, take an oath or affirmation to support the constitution of this state, and also the following oath:

I, A. B., do solemnly swear, (or affirm,) that, as a member of this general assembly, I will in all appointments vote without favour, affection, partiality, or prejudice, and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state.

3. Any elector who shall receive any gift or reward for his vote, in *meat, drink, money*, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall directly or indirectly give, promise, or bestow, any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such further punishment as the legislature shall direct.

4. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less content than six hundred and twenty-five square miles. Nor shall any new county be laid off, of less contents. All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation. No bill shall be passed into a law, for the establishment of a new county, except upon a petition to the general assembly for that purpose, signed by two hundred of the free male inhabitants within the limits or bounds of such new county prayed to be laid off.

ARTICLE 10.

§ 1. Knoxville shall be the seat of government until the year one thousand eight hundred and two.

2. All laws and ordinances now in force and use in this territory, not inconsistent with this constitution, shall continue to be in force and use in this state, until they shall expire, be altered, or repealed by the legislature.

3. That whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the

same place, and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending, or changing the constitution.

4. The declaration of rights hereunto annexed is declared to be a part of the constitution of this state, and shall never be violated on any pretence whatever. And to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall for ever remain inviolate.

ARTICLE 11.

DECLARATION OF RIGHTS.

§ 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish, the government in such manner as they may think proper.

2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive to the good and happiness of mankind.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support, any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

4. That no religious test shall ever be required as a qualification to any office, or public trust, under this state.

5. That elections shall be free and equal.

6. That the right of trial by jury shall remain inviolate.

7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures, and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

8. That no freeman shall be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liber-

ty, or property, but by the judgment of his peers, or the law of the land.

9. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment, or presentment, a speedy public trial, by an impartial jury of the county or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

10. That no person, shall, for the same offence, be twice put in jeopardy of his life or limb.

11. The laws made for the punishment of facts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore, no *ex post facto* law shall be made.

12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

13. That no person arrested, or confined in gaol, shall be treated with unnecessary rigour.

14. That no freeman shall be put to answer any criminal charge, but by presentment, indictment, or impeachment.

15. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion, or invasion, the public safety may require it.

16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

17. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner, and in such courts, as the legislature may by law direct, provided, the right of bringing suit be limited to the citizens of this state.

18. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

19. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officer of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man,

and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But, in prosecutions for the publications of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

20. That no retrospective law, or law impairing the obligation of contracts, shall be made.

21. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

22. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

23. That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

24. That the sure and certain defence of a free people is a well regulated militia: and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided, as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

25. That no citizen of this state, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to corporeal punishment under the martial law.

26. That the freemen of this state have a right to keep and bear arms for their common defence.

27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner prescribed by law.

28. That no citizen of this state shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

29. That an equal participation of the free navigation of the Mississippi is one of the inherent rights of the citizens of this state; it cannot, therefore, be conceded to any prince, potentate, power, person, or persons whatever.

30. That no hereditary emoluments, privileges, or honours, shall ever be granted or conferred in this state.

31. That the people residing south of French Broad and Holston, between the rivers Tennessee and the Big Pigeon, are entitled to the right of pre-emption and occupancy in that tract.

32. That the limits and boundaries of this state be ascertain-

ed, it is declared they are as hereafter mentioned, that is to say:—Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north—running thence, along the extreme height of the said mountain, to the place where Watauga river breaks through it; thence, a direct course, to the top of the Yellow Mountain, where Bright's Road crosses the same; thence, along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron Mountain; from thence, along the extreme height of said mountain, to the place where Nolichuky river runs through the same; thence, to the top of the Bald mountain; thence, along the extreme height of said mountain, to the Painted Rock, on French Broad River; thence, along the highest ridge of said mountain, to the place where it is called the Great Iron or Smoky Mountain; thence, along the extreme height of said mountain, to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; hence, along the main ridge of the said mountain, to the southern boundary of this state, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the state of North Carolina, are within the boundaries and limits of this state, over which the people have the right of exercising sovereignty and the right of soil, so far as is consistent with the constitution of the United States, recognizing the articles of confederation, the bill of rights, and constitution of North Carolina, the cession act of the said state, and ordinance of the late congress, for the government of the territory north-west of the Ohio: Provided, nothing herein contained shall extend to affect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act.

SCHEDULE.

§ 1. That no inconvenience may arise from a change of the temporary to a permanent state government, it is declared, that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place in the administration of government.

2. All fines, penalties, and forfeitures, due and owing to the territory of the United States of America south of the river Ohio, shall inure to the use of the state. All bonds for performance, executed to the governor of the said territory, shall be and pass over to the governor of this state, and his successors in office, for the use of the state, or by him or them re-

spectively to be assigned over to the use of those concerned, as the case may be.

3. The governor, secretary, judges, and brigadiers general, have a right, by virtue of their appointments, under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their several departments, until the said offices are superseded under the authority of this constitution.

4. All officers, civil and military, who have been appointed by the governor, shall continue to exercise their respective offices until the second Monday in June, and until successors in office shall be appointed under the authority of this constitution, and duly qualified.

5. The governor shall make use of his private seal until a state seal be provided.

6. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the several counties shall be respectively entitled to elect one senator and two representatives: Provided, that no new county shall be entitled to separate representation, previous to taking the enumeration.

7. That the next election for representatives and other officers, to be held for the county of Tennessee, shall be held at the house of William Miles.

8. Until a land office shall be opened, so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and pre-emption, those who hold land by virtue of such claims shall be eligible to serve in all capacities where a freehold is by this constitution made a requisite qualification.

Done in convention, at Knoxville, by unanimous consent, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, and of the Independence of the United States of America the twentieth In testimony whereof, we have hereunto subscribed our names.

WILLIAM BLOUNT, *President.*

David Craig,
James Greenaway,
Joseph Black,
James Houston,
Samuel Glass,
John M'Nairy,
Andrew Jackson,
James Robertson,
Thomas Hardiman,
Joel Lewis,
George Rutledge,
Spencer Clack,
John Clack,
Thomas Buckenham,
James Berry,
Joseph M'Min,
Thomas Henderson,
William Cocke,
Richard Mitchell,
David Shelby,
Isaac Walton,
W. Douglass,

William C. C. Claiborne,
Richard Gammon,
John Shelby, jun.
John Rhea,
Samuel Frazier,
Stephen Brooks,
William Rankin,
Elisha Baker,
John Galbreath,
Alexander Outlaw,
Joseph Anderson,
George Doherty,
James Roddye,
Archibald Roane,
Peter Bryan,
Samuel Wier,
Edward Douglass,
Daniel Smith,
Thomas Johnson,
James Ford,
William Fort,
William Prince,
Robert Prince,
John Tipton,
Samuel Handy,
Lecroy Taylor,
Landon Carter,
James Stuart,
James White,
Charles M'Clung,
John Crawford,
John Adair.

Attest,

William Mechlin, *Secretary.*



CONSTITUTION OF OHIO.

Done in Convention, begun and held at Chilicothe, on Monday, the 1st of November, A. D. 1802, and of the independence of the United States the 27th.

WE, the people of the eastern division of the territory of the United States north-west of the river Ohio, having the right of admission into the general government, as a member of the Union, consistent with the constitution of the United States, the ordinance of congress of one thousand seven hundred and eighty-seven, and the law of congress, entitled "An act to enable the people of the eastern division of the territory of the United States, north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of *The State of Ohio.*

ARTICLE 1.

§ 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

2. Within one year after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of all the white male inhabitants above twenty-one years of age shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the several counties, according to the number of white male inhabitants above twenty-one years of age in each; and shall never be less than twenty-four nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-two thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed seventy-two.

3. The representatives shall be chosen annually, by the citizens of each county respectively, on the second Tuesday of October.

4. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen, one year next preceding his election, unless he shall have been absent on the public business of the United States, or of this state, and shall have paid a state or county tax.

5. The senators shall be chosen biennially, by qualified voters for representatives; and, on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or districts, as near as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year; so that one-half thereof, as near as possible, may be annually chosen for ever thereafter.

6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third nor more than one-half of the number of representatives.

7. No person shall be a senator who has not arrived at the age of thirty years, and is a citizen of the United States; shall have resided two years in the district or county immediately

preceding the election, unless he shall have been absent on the public business of the United States or of this state, and shall moreover have paid a state or county tax.

8. The senate and house of representatives, when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments; two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

9 Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

10. Any two members of either house shall have liberty to dissent from and protest against any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

11. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

12. When vacancies happen in either house, the governor, or the person exercising the power of the governor shall issue writs of election to fill such vacancies.

13. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

14. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence: provided, such imprisonment shall not, at any one time, exceed twenty-four hours.

15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

16. Bills may originate in either house, but may be altered, amended, or rejected, by the other.

17. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speakers of their respective houses.

18. The style of the laws of this state shall be, "*Be it enacted by the general assembly of the state of Ohio.*"

19. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to wit: the governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditor of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars; no member of the legislature shall receive more than two dollars per day during his attendance on the legislature, nor more for every twenty-five miles he shall travel in going to and returning from the general assembly.

20. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time.

21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

22. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws, annually.

23. The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose, they shall be on oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two-thirds of all the senators.

24. The governor and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honour, profit or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

25. The first session of the general assembly shall commence on the first Tuesday of March next; and for ever after the general assembly shall meet on the first Monday of December in every year, and at no other period, unless directed by law, or provided for by this constitution.

26. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States, or

this state, provided that the appointments in the militia, or justices of the peace, shall not be considered lucrative offices, shall be eligible as a candidate for, or have a seat in, the general assembly.

27. No person shall be appointed to any office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

28. No person who heretofore hath been, or hereafter may be, a collector or holder of the public moneys, shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable.

ARTICLE 2.

§ 1. The supreme executive power of this state shall be vested in a governor.

2. The governor shall be chosen by the electors of the members of the general assembly, on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor: but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

3. The first governor shall hold his office until the first Monday of September, one thousand eight hundred and five, and until another governor shall be elected and qualified to office; and forever after, the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified; but he shall not be eligible more than six years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this state four years next preceding his election.

4. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

5. He shall have the power to grant reprieves and pardons, after conviction, except in cases of impeachment.

6. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

8. When an officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the legislature.

9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened.

10. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

11. In case of disagreement between the two houses, with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

12. In case of the death, impeachment, resignation, or the removal of the governor from office, the speaker of the senate shall exercise the office of governor until he be acquitted, or another governor shall be duly qualified. In case of impeachment of the speaker of the senate, or his death, removal from office, resignation, or absence from the state, the speaker of the house of representatives shall succeed to the office, and exercise the duties thereof, until a governor shall be elected and qualified.

13. No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor.

14. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Ohio.

15. All grants and commissions shall be in the name and by the authority of the state of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

16. A secretary of state shall be appointed by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor; and shall, when required, lay the same,

and all papers, minutes, and vouchers, relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law.

ARTICLE 3.

§ 1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may from time to time establish.

2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law: provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court.

3. The several courts of common pleas shall consist of a president and associate judges. The state shall be divided by law into three circuits: there shall be appointed in each circuit a president of the courts, who, during his continuance in office, shall reside therein. There shall be appointed in each county not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas, which court shall have common law and chancery jurisdiction, in all such cases as shall be directed by law; provided, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents after the term of five years.

4. The judges of the supreme court and court of common pleas, shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

5. The court of common pleas in each county shall have jurisdiction of all probate and testamentary matters, granting administration, and the appointment of guardians, and such other cases as shall be prescribed by law.

6. The judges of the court of common pleas shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state. The presidents of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective circuits, and the judges of the court of common pleas shall, by virtue

of their offices, be conservators of the peace in their respective counties.

8 The judges of the supreme court, the presidents, and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court, and the presidents of the courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this state or the United States.

9. Each court shall appoint its own clerk, for the term of seven years; but no person shall be appointed clerk, except pro tempore, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court, that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behaviour, at any time, by the judges of the respective courts.

10. The supreme court shall be held once a year, in each county; and the courts of common pleas shall be holden in each county at such times and places as shall be prescribed by law.

11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years; whose powers and duties shall from time to time be regulated and defined by law.

12. The style of all process shall be, The State of Ohio; and all prosecutions shall be carried on in the name and by the authority of the state of Ohio; and all indictments shall conclude, against the peace and dignity of the same.

ARTICLE 4.

§ 1. In all elections, all white male inhabitants, above the age of twenty-one years, having resided in the state one year next preceding the election, and who have paid, or are charged with, a state or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election.

2. All elections shall be by ballot.

3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

4. The legislature shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime.

5. Nothing contained in this article shall be so construed as to prevent white male persons, above the age of twenty-one years, who are compelled to labour on the roads of their respective townships or counties, and who have resided one year in the state, from having the right of an elector.

ARTICLE 5.

§ 1. Captains and subalterns in the militia shall be elected by those persons in their respective company districts subject to military duty.

2. Majors shall be elected by the captains and subalterns of the battalion.

3. Colonels shall be elected by the majors, captains, and subalterns of the regiment.

4. Brigadiers general shall be elected by the commissioned officers of their respective brigades.

5. Majors general and quarter masters general shall be appointed by joint ballot of both houses of the legislature.

6. The governor shall appoint the adjutant general. The majors general shall appoint their aids, and other division officers. The brigadiers their majors; the brigade majors their staff officers; commanders of regiments shall appoint their adjutants, quarter masters, and other regimental staff officers, and the captains and subalterns shall appoint their non-commissioned officers and musicians.

7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff, and the captains and subalterns their non-commissioned officers and musicians.

ARTICLE 6.

§ 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof who are qualified to vote for members of the assembly: they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years if they shall so long behave well, and until successors be chosen and duly qualified: provided, that no person shall be eligible as sheriff for a longer term than four years in any term of six years.

2. The state treasurer and auditor shall be triennially appointed, by a joint ballot of both houses of the legislature.

3. All town and township officers shall be chosen annually, by the inhabitants thereof duly qualified to vote for members

of the assembly, at such time and place as may be directed by law.

4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

ARTICLE 7.

§ 1. Every person who shall be chosen or appointed to any office of trust or profit under the authority of the state, shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and this state, and also an oath of office.

2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable for two years to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

3. No new county shall be established by the general assembly which shall reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

4. Chilicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine, by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the legislature.

5. That, after the year one thousand eight hundred and six, whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same places, and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending, or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state.

6. That the limits and boundaries of this state be ascertain-

ed, it is declared, that they are as hereafter mentioned—that is to say, bounded on the east by the Pennsylvania line, on the south by the Ohio river, to the mouth of the great Miami river; on the west by the line drawn due north from the mouth of the Great Miami aforesaid; and on the north by an east and west line, drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami, until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid: Provided, always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie east of the mouth of the Miami river of the Lake, then, and in that case, with the assent of the congress of the United States, the northern boundary of this state shall be established by, and extending to a direct line, running from the southern extremity of Lake Michigan, to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river as aforesaid, thence north-east to the territorial, and by the said territorial line to the Pennsylvania line.

ARTICLE 8.

That the general, great, and essential principles of liberty and free government may be recognized, and for ever unalterably established, we declare,

§ 1. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety; and every free republican government, being founded on their sole authority, and organized for the purpose of protecting their liberties, and securing their independence—to effect these ends they have at all times a complete power to alter, reform, or abolish their government, whenever they may deem it necessary.

2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under pretence of indenture, or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration, received, or to be received, for their service, except as before excepted. Nor shall any indenture of

any negro or mulatto hereafter made and executed, out of this state, or, if made in the state, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no human authority can in any case whatever control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent; and that no preference shall ever be given by law to any religious society or mode of worship: and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality, and knowledge, being essentially necessary to the government, and the happiness of mankind, schools, and the means of instruction, shall for ever be encouraged by legislative provision, not inconsistent with the rights of conscience.

4. Private property ought, and shall ever be held inviolate, but always subservient to the public welfare, provided a com pensation in money be made to the owner.

5. That the people shall be secure in their persons, houses, papers, and possessions from all unwarrantable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted.

6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer; and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write, or print, upon any subject, as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

7. That all courts shall be open, and every person for any injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law; and right and justice administered without denial, or delay.

8. That the right of trial by jury shall be inviolate.

9. That no power of suspending the laws shall be exercised, unless by the legislature.

10. That no person arrested or confined in gaol shall be

treated with unnecessary rigour, or be put to answer any criminal charge, but by presentment, indictment, or impeachment.

11. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself—nor shall he be twice put in jeopardy for the same offence.

12. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

14. All penalties shall be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do with the lightest offences. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, or forfeiture of estate.

17. That no person shall be liable to be transported out of this state, for any offence committed within the state.

18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

20. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in time of peace are dangerous to liberty, they shall not be kept

up, and that the military shall be kept under strict subordination to the civil power.

21. That no person in this state, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporeal punishment under the military law.

22. That no soldier in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in the manner prescribed by law.

23. That the levying taxes by the poll is grievous and oppressive; therefore, the legislature shall never levy a poll tax for county or state purposes.

24. That no hereditary emoluments, privileges, or honours, shall ever be granted or conferred by this state.

25. That no law shall be passed to prevent the poor in the several counties and townships within this state, from an equal participation in the schools, academies, colleges, and universities, within this state, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies and universities, shall be open for the reception of scholars, students and teachers, of every grade, without any distinction or preference whatever, contrary to the intent for which the said donations were made.

26. That laws shall be passed by the legislature which shall secure to each and every denomination of religious societies, in each surveyed township, which now is, or may hereafter be, formed in the state, an equal participation, according to their number of adherents, of the profits arising from the land granted by congress for the support of religion, agreeably to the ordinance or act of congress making the appropriation.

27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and other purposes.

28. To guard against the transgressions of the high powers which we have delegated, we declare, that all powers not hereby delegated remain with the people.

SCHEDULE.

§ 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent state government; it is declared by this convention that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

2. All fines, penalties, and forfeitures, due and owing to the territory of the United States north-west of the river Ohio, shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity in the territory, shall pass over to the governor, or the other officers of the state, and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

3. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

4. All laws and parts of laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature, except so much of the act entitled "An act regulating the admission and practice of attorneys and counsellors at law;" and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practised as an attorney at law, before he can be admitted to the degree of a counsellor at law.

5. The governor of the state shall make use of his private seal, until a state seal be procured.

6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor, members of the general assembly, sheriffs, and coroners, at the respective election districts in each county, on the second Tuesday of January next, which elections shall be conducted in the manner prescribed by the existing election laws of this territory; and the members of the general assembly, sheriffs, and coroners, then elected, shall continue to exercise the duties of their respective offices until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to four senators and eight representatives; the county of Clermont one senator and two representatives; the county of Adams one senator and three representatives; the county of Ross two senators and four representatives; the county of Fairfield one senator and two representatives; the county of Washington two senators and three representatives; the county of Belmont one senator and two representatives; the county of Jefferson two senators and four representatives; and the county of Trumbull one senator and two representatives.

Done in convention, at Chilicothe, on the 29th day of November, in the year of our Lord 1802, and of the independence of the United States of America the 27th.

In testimony whereof, we have hereunto subscribed our names.

EDWARD TIFFIN, *President.*

Jos. Darlington,
Israel Donaldson,
Tho. Kirker,
James Caldwell,
Elijah Woods,
Philip Gatch,
James Sargent,
Henry Abrams,
Em. Carpenter,
John W. Browne,
Charles W. Byrd,
Fra. Dunlavy,
Wm. Goforth,
John Kitchell,
Jer. Morrow,
John Paul,
John M'Intire,
John Reilly,
John Smith,
John Wilson,
Rudolph Bear,
Geo. Humphrey,
John Milligan,
Nath. Updegraff,
Baz. Wells,
Mich. Baldwin,
James Grubb,
Nath. Massie,
T. Worthington,
David Abbot,
Sam. Huntington,
Eph. Cutler,
Ben. Ives Gilman,
Rufus Putnam.

Attest, THO. SCOTT, *Secretary.*



CONSTITUTION OF INDIANA.

WE, the representatives of the people of the territory of Indiana, in convention met, at Corydon, on Monday the 10th day of June, in the year of our Lord eighteen hundred and sixteen, and of the independence of the United States the fortieth, having the right of admission into the general government, as a member of the Union, consistent with the constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and the law of Congress, entitled "An act to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states;" in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form

ourselves into a free and independent state, by the name of *The State of Indiana.*

ARTICLE 1.

§ 1. That the general, great, and essential principles of liberty and free government may be recognised and unalterably established, we declare: That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; among which are the enjoying and defending life and liberty, and of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness: For the advancement of these ends, they have, at all times, an unalienable and indefeasible right to alter, or reform, their government, in such manner as they may deem proper.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent: that no human authority can in any case whatever, control or interfere with the rights of conscience: and that no preference shall ever be given by law to any religious societies or modes of worship; and no religious test shall be required as a qualification to any office of trust or profit.

4. That elections shall be free and equal.

5. That in all civil cases, where the value in controversy shall exceed the sum of twenty dollars, and in all criminal cases except in petit misdemeanors, which shall be punishable by fine only, not exceeding three dollars, in such manner as the legislature may prescribe by law, the right of trial by jury shall remain inviolate.

6. That no power of suspending the operation of the laws shall be exercised, except by the legislature or its authority.

7. That no man's particular services shall be demanded, or property taken or applied to public use, without the consent of his representatives, or without a just compensation being made therefor.

8. The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

9. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made

to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

10. In prosecutions for the publications of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

11. That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

12. That no person arrested or confined in gaol shall be treated with unnecessary rigour, or be put to answer any criminal charge, but by presentment, indictment, or impeachment.

13. That, in all criminal prosecutions, the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, nor shall be twice put in jeopardy for the same offence.

14. That all persons shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety may require it.

15. Excessive bail shall not be required; excessive fines shall not be imposed; nor cruel and unusual punishments inflicted.

16. All penalties shall be proportioned to the nature of the offence.

17. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

18. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, nor forfeiture of estate.

19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

20. That the people have a right to bear arms for the de-

fence of themselves and the state; and that the military shall be kept in strict subordination to the civil power.

21. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

22. That the legislature shall not grant any title of nobility or hereditary distinctions; nor create any office, the appointment to which shall be for a longer term than good behaviour.

23. That emigration from the state shall not be prohibited.

24. To guard against any encroachments on the rights herein retained, we declare, that every thing in this article is excepted out of the general powers of government, and shall for ever remain inviolable.

ARTICLE 2.

The powers of the government of Indiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another: And no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE 3.

§ 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

2. The general assembly may, within two years after their first meeting, and shall, in the year eighteen hundred and twenty, and every subsequent term of five years, cause an enumeration to be made of all the white male inhabitants above the age of twenty-one years. The number of representatives shall, at the several periods of making such enumerations, be fixed by the general assembly, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each; and shall never be less than twenty-five, nor greater than thirty-six, until the number of white male inhabitants, above twenty-one years of age, shall be twenty-two thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed one hundred.

3. The representatives shall be chosen annually, by the qualified electors of each county respectively, on the first Monday of August.

4. No person shall be a representative unless he shall have attained the age of twenty-one years, and shall be a citizen of

the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen one year next preceding his election, if the county shall have been so long erected; but if not, then within the limits of the county or counties out of which it shall have been taken, unless he shall have been absent on the public business of the United States or of this state, and shall have paid a state or county tax.

5. The senators shall be chosen for three years, on the first Monday in August, by the qualified voters for representatives; and, on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or districts, as near as can be, into three classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one third thereof, as near as possible, may be annually chosen for ever thereafter.

6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the general assembly, and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants, of the age of twenty-one years, in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

7. No person shall be a senator unless he shall have attained the age of twenty-five years, and shall be a citizen of the United States; and shall, next preceding the election, have resided two years in this state, the last twelve months of which, in the county or district in which he may be elected, if the county or district shall have been so long erected: but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken; unless he shall have been absent on the public business of the United States or this state, and shall moreover have paid a state or county tax.

8. The house of representatives, when assembled, shall choose a speaker and its other officers; and the senate shall choose its officers, except the president; and each shall be judges of the qualifications and elections of its members, and sit upon its own anjournments; two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

9. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members, on any question, shall, at the request of any two of them, be entered on the journals.

10. Any one member of either house shall have liberty to

dissent from and protest against any act or resolution which he may think injurious to the public, or any individual or individuals, and have the reason of his dissent entered on the journals.

11. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

12. When vacancies happen in either branch of the general assembly, the governor, or the person exercising the power of governor, shall issue writs of election to fill such vacancies.

13. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to or returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

14. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence: Provided, such imprisonment shall not, at any one time, exceed twenty-four hours.

15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, may require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

16. Bills may originate in either house, but may be altered, amended, or rejected, by the other.

17. Every bill shall be read on three different days in each house, unless, in case of urgency, two-thirds of the house where such bill may be depending shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the president and speaker of their respective houses.

18. The style of the laws of this state shall be, "*Be it enacted by the general assembly of the state of Indiana.*"

19. All bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject, as in other bills.

20. No person holding any office under the authority of the president of the United States, or of this state, militia officers excepted, shall be eligible to a seat in either branch of the general assembly, unless he resign his office previous to his election; nor shall any member of either branch of the general assembly, during the time for which he is elected, be eligible to any office, the appointment of which is vested in the general assembly: Provided, that nothing in this constitution shall be

so construed as to prevent any member of the first session of the first general assembly from accepting any office that is created by this constitution, or the constitution of the United States, and the salaries of which are established.

21. No money shall be drawn from the treasury but in consequence of appropriations made by law.

22. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every annual session of the general assembly.

23. The house of representatives shall have the sole power of impeaching, but a majority of all the members elected must concur in such impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of a majority of all the senators elected.

24. The governor, and all civil officers of the state, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honour, profit, or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

25. The first session of the general assembly shall commence on the first Monday of November next; and for ever after, the general assembly shall meet on the first Monday in December in every year, and at no other period, unless directed by law, or provided for by this constitution.

26. No person who hereafter may be a collector or holder of public money shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury all sums for which he may be accountable.

ARTICLE 4.

§ 1. The supreme executive power of this state shall be vested in a governor, who shall be styled the governor of the state of Indiana.

2. The governor shall be chosen by the qualified electors on the first Monday in August, at the places where they shall respectively vote for representatives thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall open and publish them in presence of both houses of the general assembly; the person having the highest number of votes shall be governor: but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both

houses. Contested elections shall be determined by a committee to be selected from both houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

3. The governor shall hold his office during three years, from and after the third day of the first session of the general assembly next ensuing this election, and until a successor shall be chosen and qualified; and shall not be capable of holding it longer than six years in any term of nine years.

4. He shall be at least thirty years of age, and shall have been a citizen of the United States for ten years, and have resided in the state five years next preceding his election; unless he shall have been absent on the business of this state or of the United States: Provided, that this shall not disqualify any person from the office of governor, who shall be a citizen of the United States, and shall have resided in the Indiana territory two years next preceding the adoption of this constitution.

5. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor or lieutenant governor.

6. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

7. He shall be commander-in-chief of the army and navy of this state, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general assembly.

8. He shall nominate, and, by and with the advice and consent of the senate, appoint and commission all officers, the appointment of which is not otherwise directed by this constitution; and all offices which may be created by the general assembly shall be filled in such manner as may be directed by law.

9. Vacancies that may happen in offices, the appointment of which is vested in the governor and senate, or in the general assembly, shall be filled by the governor, during the recess of the general assembly, by granting commissions that shall expire at the end of the next session.

10. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment.

11. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

12. He shall, from time to time, give to the general assembly information of the affairs of the state, and recommend to their consideration such measures as he shall deem expedient.

13. He may, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place,

if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and, in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the time of the next annual session.

14. He shall take care that the laws be faithfully executed.

15. A lieutenant governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

16. He shall, by virtue of his office, be president of the senate; have a right, when in committee of the whole, to debate, and vote on all subjects, and, when the senate are equally divided, to give the casting vote.

17. In case of impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant governor shall exercise all the powers and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached shall return or be acquitted.

18. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their own members as president for that occasion. And if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the president of the senate pro tem. shall, in like manner, administer the government, until he shall be superseded by a governor or lieutenant governor. The lieutenant governor, while he acts as president of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more: And during the time he administers the government, as governor, shall receive the same compensation which the governor would have received and been entitled to, had he been employed in the duties of his office, and no more.

19. The president pro tempore of the senate, during the time he administers the government, shall receive, in like manner, the same compensation which the governor would have received had he been employed in the duties of his office, and no more.

20. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary of

state, for the time being, to convene the senate for the purpose of choosing a president pro tempore.

21. A secretary of state shall be chosen by the joint ballot of both houses of the general assembly, and be commissioned by the governor, for four years, or until a new secretary be chosen and qualified. He shall keep a fair register, and attest all the official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before either house of the general assembly; and shall perform such other duties as may be enjoined him by law.

22. Every bill which shall have passed both houses of the general assembly, shall be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it; if, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor, within five days, (Sundays excepted,) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it; unless the general assembly, by its adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

23. Every resolution, to which the concurrence of both houses may be necessary, shall be presented to the governor, and before it shall take effect, be approved by him; or, being disapproved, shall be repassed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

24. There shall be elected, by joint ballot of both houses of the general assembly, a treasurer, and auditor, whose powers and duties shall be prescribed by law, and who shall hold their offices three years, and until their successors be appointed and qualified.

25. There shall be elected in each county, by the qualified electors thereof, one sheriff and one coroner, at the times and places of holding elections for members of the general assembly. They shall continue in office two years, and until successors shall be chosen and duly qualified: Provided, that no person shall be eligible to the office of sheriff more than four years in any term of six years.

26. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called *the seal of the state of Indiana.*

ARTICLE 5.

§ 1. The judiciary power of this state, both as to matters of law and equity, shall be vested in one supreme court, in circuit courts, and in such other inferior courts as the general assembly may, from time to time, direct and establish.

2. The supreme court shall consist of three judges, any two of whom shall form a quorum, and shall have appellate jurisdiction only, which shall be co-extensive with the limits of the state, under such restrictions and regulations, not repugnant to this constitution, as may, from time to time, be prescribed by law: Provided, nothing in this article shall be so construed as to prevent the general assembly from giving the supreme court original jurisdiction in capital cases and cases in chancery, where the president of the circuit court may be interested or prejudiced.

3. The circuit courts shall consist of a president and two associate judges. The state shall be divided by law into three circuits, for each of which a president shall be appointed, who, during his continuance in office, shall reside therein. The president and associate judges, in their respective counties, shall have common law and chancery jurisdiction, as also complete criminal jurisdiction, in all such cases, and in such manner, as may be prescribed by law. The president alone, in the absence of the associate judges, or the president and one of the associate judges, in the absence of the other, shall be competent to hold a court, as also the two associate judges, in the absence of the president, shall be competent to hold a court, except in capital cases, and cases in chancery: Provided that nothing herein contained shall prevent the general assembly from increasing the number of the circuits and presidents, as the exigencies of the state may, from time to time, require.

4. The judges of the supreme court, the circuit and other inferior courts, shall hold their offices during the term of seven years, if they shall so long behave well, and shall at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

5. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state, as also the presidents of the circuit courts, in their respective circuits, and the associate judges in their respective counties.

6. The supreme court shall hold its sessions at the seat of government, at such times as shall be prescribed by law: and the circuit courts shall be held in the respective counties as may be directed by law.

7. The judges of the supreme court shall be appointed by the governor, by and with the advice and consent of the senate. The presidents of the circuit courts shall be appointed by joint ballot of both branches of the general assembly; and the associate judges of the circuit courts shall be elected by the qualified electors in their respective counties.

8. The supreme court shall appoint its own clerk; and the clerks of the circuit court, in the several counties, shall be elected by the qualified electors in the several counties, but no person shall be eligible to the office of clerk of the circuit court, in any county, unless he shall first have obtained from one or more of the judges of the supreme court, or from one or more of the presidents of the circuit courts, a certificate that he is qualified to execute the duties of the office of clerk of the circuit court: Provided, that nothing herein contained shall prevent the circuit courts in each county from appointing a clerk pro tem. until a qualified clerk may be duly elected: And provided also, that the said clerks respectively, when qualified and elected, shall hold their offices seven years, and no longer, unless re-appointed.

9. All clerks shall be removable by impeachment, as in other cases.

10. When any vacancies happen in any of the courts, occasioned by the death, resignation, or removal from office, of any judge of the supreme or circuit courts, or any of the clerks of the said courts, a successor shall be appointed in the same manner as herein before prescribed, who shall hold his office for the period which his predecessor had to serve, and no longer, unless re-appointed.

11. The style of all process shall be, The State of Indiana. All prosecutions shall be carried on in the name and by the authority of the state of Indiana; and all indictments shall conclude, against the peace and dignity of the same.

12. A competent number of the justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office five years, if they shall so long behave well; whose powers and duties shall, from time to time, be regulated and defined by law.

ARTICLE 6.

§ 1. In all elections not otherwise provided for by this constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who has resided in the state one year immediately preceding such election, shall be entitled to vote in the county where he resides; except such as shall be enlisted in the army of the United States, or their allies.

2. All elections shall be by ballot: Provided, that the gene-

ral assembly may, (if they deem it more expedient,) at their session in eighteen hundred and twenty-one, change the mode, so as to vote *viva voce;* after which time it shall remain unalterable.

3. Electors shall, in all cases except treason, felony, or breach of the peace, be free from arrest in going to, during their attendance at, and in returning home from, elections.

4. The general assembly shall have full power to exclude from electing, or being elected, any person convicted of any infamous crime.

5. Nothing in this article shall be so construed as to prevent citizens of the United States, who were actual residents at the time of adopting this constitution, and who, by the existing laws of this territory, are entitled to vote, or persons who have been absent from home on a visit or necessary business, from the privileges of electors.

ARTICLE 7.

§ 1. The militia of the state of Indiana shall consist of all free, able bodied male persons, (negroes, mulattoes, and Indians excepted,) resident in the said state, between the ages of eighteen and forty-five years; except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this state; and shall be armed, equipped, and trained, as the general assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty: Provided, such person or persons shall pay an equivalent for such exemption; which equivalent shall be collected annually, by a civil officer, and be hereafter fixed by law; and shall be equal, as near as may be, to the lowest fines assessed on those privates in militia who may neglect or refuse to perform military duty.

3. Captains and subalterns shall be elected by those persons in their respective company districts who are subject to perform militia duty; and the captain of each company shall appoint the non-commissioned officers to said company.

4. Majors shall be elected by those persons within the bounds of their respective battalion districts, subject to perform militia duty; and colonels shall be elected by those persons within the bounds of their respective regimental districts, subject to perform militia duty.

5. Brigadiers general shall be elected by the commissioned officers within the bounds of their respective brigades; and majors general shall be elected by the commissioned officers within the bounds of their respective divisions.

6. Troops and squadrons of cavalry and companies of artillery, riflemen, grenadiers, or light infantry, may be formed in the said state, in such manner as shall be prescribed by law:

Provided, however, that every troop or squadron of cavalry, company of artillery, riflemen, grenadiers, or light infantry, which may hereafter be formed within the said state, shall elect their own officers.

7. The governor shall appoint the adjutant general and quarter masters general, also his aids-de-camp.

8. Majors general shall appoint their aids-de-camp, and all other division staff-officers; brigadiers general shall appoint their brigade majors, and all other brigade staff-officers; and colonels shall appoint their regimental staff-officers.

9. All militia officers shall be commissioned by the governor, and shall hold their commissions during good behaviour, or until they shall arrive at the age of sixty years.

10. The general assembly shall, by law, fix the method of dividing the militia of the state into divisions, brigades, regiments, battalions, and companies, and shall also fix the rank of all staff-officers.

ARTICLE 8.

Every twelfth year after this constitution shall have taken effect, at the general election held for governor, there shall be a poll opened, in which the qualified electors of the state shall express, by vote, whether they are in favour of calling a convention or not; and if there should be a majority of all the votes given at such election, in favour of a convention, the governor shall inform the next general assembly thereof, whose duty it shall be to provide by law for the election of the members to the convention, the number thereof, and the time and place of their meeting; which law shall not be passed unless agreed to by a majority of all the members elected to both branches of the general assembly; and which convention, when met, shall have it in their power to revise, amend, or change the constitution. But, as the holding any part of the human creation in slavery, or involuntary servitude, can only originate in usurpation and tyranny, no alteration of this constitution shall ever take place so as to introduce slavery or involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.

ARTICLE 9.

§ 1. Knowledge and learning generally diffused through a community, being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to this end, it shall be the duty of the general assembly to provide by law for the improvement of such lands as are, or hereafter may be, granted by the United States to

this state, for the use of schools, and to apply any funds which may be raised from such lands, or from any other quarter, to the accomplishment of the grand object for which they are or may be intended. But no lands granted for the use of schools or seminaries of learning shall be sold, by authority of this state, prior to the year eighteen hundred and twenty; and the moneys which may be raised out of the sale of any such lands, or otherwise obtained for the purposes aforesaid, shall be and remain a fund for the exclusive purpose of promoting the interest of literature and the sciences, and for the support of seminaries and the public schools. The general assembly shall, from time to time, pass such laws as shall be calculated to encourage intellectual, scientifical, and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, sciences, commerce, manufactures, and natural history; and to countenance and encourage the principles of humanity, industry, and morality.

2. It shall be the duty of the general assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in a regular gradation from township schools to a state university, wherein tuition shall be gratis, and equally open to all.

3. And for the promotion of such salutary end, the money, which shall be paid as an equivalent, by persons exempt from militia duty, except in times of war, shall be exclusively, and in equal proportions, applied to the support of county seminaries; also, all fines assessed for any breach of the penal laws, shall be applied to said seminaries, in the counties wherein they shall be assessed.

4. It shall be the duty of the general assembly, as soon as circumstances will permit, to form a penal code, founded on the principles of reformation, and not of vindictive justice: And also to provide one or more farms to be an asylum for those persons who, by reason of age, infirmity, or other misfortunes, may have a claim upon the aid and beneficence of society, on such principles that such persons may therein find employment and every reasonable comfort, and lose, by their usefulness, the degrading sense of dependence.

5. The general assembly, at the time they lay off a new county, shall cause at least ten per cent. to be reserved out of the proceeds of the sale of town lots, in the seat of justice of such county, for the use of a public library for such county; and at the same session they shall incorporate a library company, under such rules and regulations as will best secure its permanence, and extend its benefits.

ARTICLE 10.

§ 1. There shall not be established or incorporated in this state any bank or banking company, or moneyed institution, for

the purpose of issuing bills of credit, or bills payable to order or bearer: Provided, that nothing herein contained shall be so construed as to prevent the general assembly from establishing a state bank, and branches, not exceeding one branch for any three counties, to be established at such place within such counties as the directors of the state bank may select; provided there be subscribed and paid in specie, on the part of the individuals, a sum equal to thirty thousand dollars: Provided also, that the bank at Vincennes, and the Farmers' and Mechanics' bank of Indiana, at Madison, shall be considered as incorporated banks, according to the true tenor of the charters granted to said banks by the legislature of the Indiana territory: Provided, that nothing herein contained shall be so construed as to prevent the general assembly from adopting either of the aforesaid banks, as the state bank; and in case either of them shall be adopted as the state bank, the other may become a branch, under the rules and regulations hereinbefore prescribed.

ARTICLE 11.

§ 1. Every person who shall be chosen or appointed to any office of trust or profit under the authority of this state, shall, before entering on the duties of said office, take an oath or affirmation, before any person lawfully authorized to administer oaths, to support the constitution of the United States, and the constitution of this state, and also an oath of office.

2. Treason against this state shall consist only in levying war against it, in adhering to its enemies, or giving them aid and comfort.

3. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

4. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed the most solemn appeal to God.

5. Every person shall be disqualified from serving as governor, lieutenant governor, senator, or representative, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe, threat, or reward, to procure his election.

6. All officers shall reside within the state; and all district, county, or town officers, within their respective districts, counties, or towns, (the trustees of the town of Clarksville excepted,) and shall keep their respective offices at such places therein as may be directed by law; and all militia officers shall reside within the bounds of the division, brigade, regiment, battalion, or company, to which they may severally belong.

7. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes,

whereof the party shall have been duly convicted. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the bounds of this state, be of any validity within the state.

8. No act of the general assembly shall be in force until it shall have been published in print, unless in cases of emergency.

9. All commissions shall be in the name and by the authority of the state of Indiana, and sealed with the state seal, and signed by the governor, and attested by the secretary of state.

10. There shall be elected in each county a recorder, who shall hold his office during the term of seven years, if he shall so long behave well: Provided, that nothing herein contained shall prevent the clerks of the circuit courts from holding the office of recorder.

11. Corydon, in Harrison county, shall be the seat of government of the state of Indiana, until the year eighteen hundred and twenty-five, and until removed by law.

12. The general assembly, when they lay off any new county, shall not reduce the old county or counties from which the same shall be taken, to a less content than four hundred square miles.

13. No person shall hold more than one lucrative office at the same time, except as in this constitution expressly permitted.

14. No person shall be appointed as a county officer, within any county, who shall not have been a citizen and an inhabitant therein one year next preceding his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

15. All town and township officers shall be appointed in such manner as shall be directed by law.

16. The following officers of government shall not be allowed greater annual salaries, until the year eighteen hundred and nineteen, than as follows: the governor, one thousand dollars; the secretary of state, four hundred dollars; the auditor of public accounts, four hundred dollars; the treasurer, four hundred dollars; the judges of the supreme court, eight hundred dollars each; the presidents of the circuit courts, eight hundred dollars each; and the members of the general assembly, not exceeding two dollars per day, each, during their attendance on the same, and two dollars for every twenty-five miles they shall severally travel, on the most usual route, in going to, and returning from, the general assembly; after which time, their pay shall be regulated by law. But no law, passed to increase the pay of the members of the general assembly, shall take effect until after the close of the session at which such law shall have been passed.

17. In order that the boundaries of the state of Indiana may more clearly be known and established, it is hereby ordained and declared, that the following shall be and for ever remain the boundaries of the said state, to wit: Bounded on the east, by the meridian line which forms the western boundary of the state of Ohio; on the south, by the Ohio river, from the mouth of the Great Miami river to the mouth of the river Wabash; on the west, by a line drawn along the middle of the Wabash river, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the north-western shore of the said Wabash river; and from thence, by a due north line, until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of lake Michigan; on the north, by the said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the state of Ohio.

ARTICLE 12.

§ 1. That no evils or inconvenience may arise from the change of a territorial government to a permanent state government, it is declared, by this constitution, that all rights, suits, actions, prosecutions, recognizances, contracts, and claims, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

2. All fines, penalties, and forfeitures, due and owing to the territory of Indiana, or any county therein, shall inure to the use of the state or county. All bonds executed to the governor, or any other officer, in his official capacity, in the territory, shall pass over to the governor or other officers of the state or county, and their successors in office, for the use of the state or county, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

3. The governor, secretary, and judges, and all other officers, both civil and military, under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution.

4. All laws and parts of laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full force and effect, until they expire, or be repealed.

5. The governor shall use his private seal until a state seal be procured.

6. The governor, secretary of state, auditor of public accounts, and treasurer, shall severally reside and keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government: Provided, notwithstanding, that nothing herein contained shall be so con-

strued as to affect the residence of the governor for the space of six months, and until buildings suitable for his accommodation shall be procured, at the expense of the state.

7. All suits, pleas, plaints, and other proceedings, now depending in any court of record, or justices' courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, injunction, or other proceedings whatever, shall progress, and be carried on, in the respective court or courts, in the same manner as is now provided by law, and all proceedings had therein, in as full and complete a manner as if this constitution were not adopted. And appeals and writs of error may be taken from the circuit court and general court, now established in the Indiana territory, to the supreme court, in such manner as shall be provided for by law.

8. The president of this convention shall issue writs of election, directed to the several sheriffs of the several counties, requiring them to cause an election to be held for governor, lieutenant governor, representative to the congress of the United States, members of the general assembly, sheriffs, and coroners, at the respective election districts in each county, on the first Monday in August next: which election shall be conducted in the manner prescribed by the existing election laws of the Indiana territory; and the said governor, lieutenant governor, members of the general assembly, sheriffs, and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time prescribed by this constitution, and until their successor or successors are qualified, and no longer.

9. Until the first enumeration shall be made, as directed by this constitution, the county of Wayne shall be entitled to one senator and three representatives, the county of Franklin, one senator and three representatives; the county of Dearborn, one senator and two representatives; the county of Switzerland, one representative; and the county of Jefferson and Switzerland, one senator; and the county of Jefferson, two representatives; the county of Clark, one senator and three representatives; the county of Harrison, one senator and three representatives; the counties of Washington, Orange, and Jackson, one senator, and the county of Washington, two representatives; the counties of Orange and Jackson, one representative each; the county of Knox, one senator and three representatives; the county of Gibson, one senator and two representatives; the counties of Posey, Warrick, and Perry, one senator, and each of the aforesaid counties of Posey, Warrick, and Perry, one representative.

10. All books, records, documents, warrants, and papers, appertaining and belonging to the office of territorial treasurer of the Indiana territory, and all moneys therein, and all papers and documents in the office of the secretary of said territory,

shall be disposed of as the general assembly of this state may direct.

11. All suits, actions, pleas, plaints, prosecutions, and causes whatsoever, and all records, books, papers, and documents, now in the general court, may be transferred to the supreme court established by this constitution: And all causes, suits, actions, pleas, plaints, and prosecutions whatsoever, now existing or pending in the circuit courts of this territory, or, which may be therein at the change of government, and all records, books, papers, and documents, relating to the said suits, or filed in the said courts, may be transferred over to the circuit courts established by this constitution, under such rules and regulations as the general assembly may direct.

Done in Convention, at Corydon, on the twenty-ninth day of June, in the year of our Lord eighteen hundred and sixteen, and of the independence of the United States the fortieth.

In witness whereof, we have hereunto subscribed our names.

JONATHAN JENNINGS,
President of the Convention.

Thomas Carr,
John K. Graham,
James Lemon,
James Scott,
James Dill,
Ezra Ferris,
Solomon Manwaring,
James Brownlee,
William H. Eads,
Robert Hanna,
Enoch M'Carty,
James Noble,
Alexander Devin,
Fred. Rapp,
David Robb,
James Smith,
John Boone,
Davis Floyd,
Daniel C. Lane,
Dennis Pennington,
Patrick Shields,
Nathaniel Hunt,
David H. Maxwell,
Samuel Smock,
John Badollet,
John Benefiel,
Jno. Johnson,
Wm. Polke,
B. Parke,
Charles Polke,
Dann Lynn,
William Cotton,
John De Pauw,
William Graham,
William Lowe,
Samuel Milroy,
Robert M'Intire,
Patrick Baird,
Jeremiah Cox,
Hugh Cull,
Joseph Holman.

Attest, WILLIAM HENDRICKS, *Secretary.*

ORDINANCE.

Be it ordained by the representatives of the people of the territory of Indiana, in convention met, at Corydon, on Monday, the tenth day of June, in the year of our Lord eighteen hundred and sixteen, That we do, for ourselves and our posterity, agree, determine, declare, and ordain, that we will, and do hereby, accept the propositions of the congress of the United States, as made and contained in their act of the nineteenth day of April, eighteen hundred and sixteen, entitled, "An act to enable the people of the Indiana territory, to form a state government and constitution, and for the admission of such state into the Union, on an equal footing with the original states.

And we do further, for ourselves and our posterity, hereby ratify, confirm, and establish the boundaries of the said state of Indiana, as fixed, prescribed, laid down, and established, in the act of congress aforesaid; and we do, also, further, for ourselves and our posterity, hereby agree, determine, declare, and ordain, that each and every tract of land sold by the United States, lying within the said state, and which shall be sold from and after the first day of December next, shall be and remain exempt from any tax laid by order or under any authority of the said state of Indiana, or by or under the authority of the general assembly thereof, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale of any such tract of land; and we do, moreover, for ourselves and our posterity, hereby declare and ordain, that this ordinance, and every part thereof, shall for ever be and remain irrevocable and inviolate, without the consent of the United States, in congress assembled, first had and obtained for the alteration thereof, or any part thereof.

JONATHAN JENNINGS,
President of the Convention.

June 29th, 1816.
Attest, WILLIAM HENDRICKS, *Secretary.*



CONSTITUTION OF LOUISIANIA.

Constitution or form of Government of the state of Louisiana.

WE, the representatives of the people of all that part of the territory or country ceded under the name of Louisiana, by the treaty made at Paris, on the 30th day of April, 1803, be-

tween the United States and France, contained in the following limits, to wit: beginning at the mouth of the river Sabine; thence, by line to be drawn along the middle of said river including all islands, to the thirty-second degree of latitude; thence, due north, to the northernmost part of the thirty-third degree of north latitude; thence, along the said parallel of latitude, to the river Mississippi; thence, down the said river, to the river Iberville, and from thence, along the middle of the said river, and lakes Meurepas and Ponchartrain to the gulf of Mexico; thence, bounded by the said gulf, to the place of beginning, including all islands within three leagues of the coast; in convention assembled, by virtue of an act of congress, entitled "an act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union, on an equal footing with the original states, and for other purposes;" in order to secure to all the citizens thereof the enjoyment of the rights of life, liberty, and property, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of the state of Louisiana.

ARTICLE 1.

Concerning the distribution of the powers of Government.

§ 1. The powers of the government of the state of Louisiana shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

2. No person, or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

ARTICLE 2.

Concerning the Legislative Department.

§ 1. The legislative power of this state shall be vested in two distinct branches; the one to be called the house of representatives, the other the senate; and both together the general assembly of the state of Louisiana.

2. The members of the house of representatives shall continue in service for the term of two years, from the day of the commencement of the general election.

3. Representatives shall be chosen on the first Monday in July, every two years; and the general assembly shall convene on the first Monday in January, in every year, unless a different

day be appointed by law; and their sessions shall be held at the seat of government.

4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained the age of twenty-one years, and resided in this state two years next preceding his election, and the last year thereof in the county of which he may be chosen, or in the district for which he is elected, in case the said counties may be divided into separate districts of election, and has not held for one year, in the said county or district, landed property to the value of five hundred dollars, agreeably to the tax list.

5. Elections for representatives for the several counties entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper from time to time to divide any or all of those counties.

6. Representation shall be equal and uniform in this state; and shall be for ever regulated and ascertained by then umber of qualified electors therein. In the year one thousand eight hundred and thirteen, and every four years thereafter, an enumeration of all the electors shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than twenty-five nor more than fifty.

7. The house of representatives shall choose its speaker and other officers.

8. In all elections for representatives, every free white male citizen of the United States, who, at the time being, hath attained to the age of twenty-one years, and resided in the county in which he offers to vote for one year next preceding the election, and who in the last six months prior to the said election shall have paid a state tax, shall enjoy the rights of an elector: Provided, however, that every free white male citizen of the United States, who shall have purchased lands from the United States, shall have the right of voting whenever he shall have the other qualifications of age and residence above prescribed. Electors shall, in all cases except treason, felony, breach or surety of the peace be privileged from arrest during their attendance at, going to, or returning from elections.

9. The members of the senate shall be chosen for the term of four years; and when assembled, shall have the power to choose its officers annually.

10. The state shall be divided into fourteen senatorial districts, which shall forever remain indivisible, as follows: the parish of St. Bernard and Plaquemine; including the country above as far as the canal (des pecheurs) on the east of the Mississippi, and on the west as far as Bernody's canal, shall form one district. The city of New Orleans, beginning at the

Nuns' Plantation above, and extending below as far as the above mentioned canal, (des pecheurs) including the inhabitants of the Bayou St. John, shall form the second district. The remainder of the county of Orleans shall form the third district. The counties of German Coast, Acadia, Lafourche, Iberville, Point Coupee, Concordia, Attakapas, Oppelousas, Rapides, Nachitoches and Ouachitta, shall each form one district, and each district shall elect a senator.

11. At the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class at the expiration of the fourth year, so that a rotation shall be chosen every two years, and one-half thereby be kept up perpetually.

12. No person shall be a senator who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of twenty-seven years; resided in this state four years next preceding his election, and one year in the district in which he may be chosen: and unless he holds within the same a landed property of the value of one thousand dollars agreeably to the tax list.

13. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter there shall be a biennial election of senators to fill the places of those whose time of service may have expired.

14. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be prescribed thereby.

15. Each house of the general assembly shall judge of the qualifications, elections, and returns, of its members; but a contested election shall be determined in such manner as shall be directed by law.

16. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behaviour; and, with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

17. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

18. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

19. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be four dollars per day, during their attendance at, going to, and returning from, the sessions of their respective houses. Provided, that the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alteration shall have been made.

20. The members of the general assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

21. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased, during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

22. No person, while he continues to exercise the functions of a clergyman, priest, or teacher, of any religious persuasion, society, or sect, shall be eligible to the general assembly, or to any office of profit or trust under this state.

23. No person who at any time may have been a collector of taxes for the state, or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quietus for the amount of such collection, and for all public moneys for which he may be responsible.

24. No bill shall have the force of a law until, on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon: unless in case of urgency four-fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

25. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills: Provided, that they shall not introduce any new matter, under the colour of an amendment, which does not relate to raising a revenue.

26. The general assembly shall regulate, by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ARTICLE 3.

Concerning the Executive Department.

§ 1. The supreme executive power of this state shall be vest-

ed in a chief magistrate, who shall be styled the governor of the state of Louisiana.

2. The governor shall be elected for the term of four years, in the following manner: the citizens entitled to vote for representatives shall vote for a governor, at the time and place of voting for representatives and senators. Their votes shall be returned by the persons presiding over the elections to the seat of government, addressed to the president of the senate; and on the second day of the general assembly the members of the two houses shall meet in the house of representatives, and, immediately after, the two candidates who shall have obtained the greatest number of votes shall be balloted for, and the one having a majority of votes shall be governor: Provided, however, that if more than two candidates have obtained the highest number of votes, it shall be the duty of the general assembly to ballot for them in the manner above prescribed: and in case several candidates should obtain an equal number of votes next to the candidate who has obtained the highest number, it shall be the duty of the general assembly to select in the same manner the candidate who is to be balloted for, with him who has obtained the highest number of votes.

3. The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years preceding his election, and shall hold in his own right a landed estate of five thousand dollars value agreeably to the tax list.

5. He shall commence the execution of his office on the fourth Monday succeeding the day of his election, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oath or affirmation prescribed by this constitution.

6. No member of congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor.

7. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

8. He shall be commander-in-chief of the army and navy of this state, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field unless he shall be advised so to do by a resolution of the general assembly.

9. He shall nominate and appoint, with the advice and consent of the senate, judges, sheriffs, and all other officers whose offices are established by this constitution, and whose appoint-

ments are not herein otherwise provided for: Provided, however, that the legislature shall have a right to prescribe the mode of appointment of all other offices to be established by law.

10. The governor shall have power to fill up vacancies that may happen during the recess of the legislature, by granting commissions which shall expire at the end of the next session.

11. He shall have power to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons, with the approbation of the senate. In cases of treason he shall have power to grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

12. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

13. He shall from time to time give to the general assembly information respecting the situation of the state, and recommend to their consideration such measures as he may deem expedient.

14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

15. He shall take care that the laws be faithfully executed.

16. It shall be his duty to visit the different counties at least once in every two years, to inform himself of the state of the militia and of the general condition of the country.

17. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation or absence from the state, the president of the senate shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached shall return or be acquitted.

18. The president of the senate, during the time he administers the government, shall receive the same compensation which the governor would have received, had he been employed in the duties of his office.

19. A secretary of state shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well: he shall keep a fair register, and attest all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before either house of the general assembly: and shall perform such other duties as may be enjoined him by law.

20. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated; who shall enter the objections at large upon their journal, and proceed to reconsider it; if after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively: if any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

21. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect be approved by him; or being disapproved shall be repassed by two-thirds of both houses.

22. The free white men of this state shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

23. The militia of this state shall be organized in such manner as may hereafter be deemed most expedient by the legislature.

ARTICLE 4.

Concerning the Judiciary Department.

§ 1. The judiciary power shall be vested in a supreme court and inferior courts.

2. The supreme court shall have appellate jurisdiction only, which jurisdiction shall extend to all civil cases when the matter in dispute shall exceed the sum of three hundred dollars.

3. The supreme court shall consist of not less than three judges, nor more than five; the majority of whom shall form a quorum: each of said judges shall receive a salary of five thousand dollars annually. The supreme court shall hold its sessions at the places hereinafter mentioned; and for that purpose the state is hereby divided into two districts of appellate jurisdiction, in each of which the supreme court shall administer

justice, in the manner hereafter prescribed. The eastern district to consist of the counties of New Orleans, German Coast, Acadia, Lafourche, Iberville and Point Coupee. The western district to consist of the counties of Attakapas, Oppelousas, Rapides, Concordia, Natchitoches, and Ouachitta. The supreme court shall hold its sessions in each year, for the eastern district, in December, January, February, March, April, May, June, and July; and for the western district, at the Oppelousas, during the months of August, September, and October, for five years: Provided, however, that every five years the legislature may change the place of holding said court in the western district. The said court shall appoint its own clerks.

4. The legislature is authorized to establish such inferior courts as may be convenient to the administration of justice.

5. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour; but, for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three-fourths of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required shall be stated at length in the address, and inserted on the journal of each house.

6. The judges, by virtue of their office, shall be conservators of the peace throughout the state; the style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the state of Louisiana, and conclude, against the peace and dignity of the same.

7. There shall be an attorney general for the state, and as many other prosecuting attorneys for the state as may be hereafter found necessary. The said attorneys shall be appointed by the governor, with the advice and approbation of the senate. Their duties shall be determined by law.

8. All commissions shall be in the name and by the authority of the state of Louisiana, and sealed with the state seal, and signed by the governor.

9. The state treasurer, and printer or printers of the state, shall be appointed, annually, by the joint vote of both houses of the general assembly: Provided, that, during the recess of the same, the governor shall have power to fill vacancies which may happen in either of the said offices.

10. The clerks of the several courts shall be removable for breach of good behaviour by the court of appeals only, who shall be judge of the fact as well as of the law.

11. The existing laws in this territory, when this constitution goes into effect, shall continue to be in force until altered or abolished by the legislature: Provided, however, that the legislature shall never adopt any system or code of laws, by a

general reference to the said system or code: but, in all cases, shall specify the several provisions of the laws it may enact.

12. The judges of all courts within this state shall, as often as it may be possible so to do, in every definite judgment, refer to the particular law, in virtue of which such judgment is founded.

ARTICLE 5.

Concerning Impeachment.

§ 1. The power of impeachment shall be vested in the house of representatives alone.

2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present.

3. The governor and all the civil officers shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under this state; but the parties convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment, according to law.

ARTICLE 6.

General Provisions.

§ 1. Members of the general assembly, and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me, as ——, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of this state; so help me God."

2. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his confession in open court.

3. Every person shall be disqualified from serving as governor, senator, or representative, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe to procure his election.

4. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes and misdemeanors. The privilege of free suffrage shall be supported by laws regulating

elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

5. No money shall be drawn from the treasury but in pursuance of appropriations made by law; nor shall any appropriation of money, for the support of an army, be made for a longer term than one year; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually.

6. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

7. All civil officers for the state at large shall reside within the state, and all district or county officers, within their respective districts or counties, and shall keep their respective offices at such places therein as may be required by law.

8. The legislature shall determine the time of duration of the several public offices, when such time shall not have been fixed by the constitution; and all civil officers, except the governor, and judges of the superior and inferior courts, shall be removable by an address of two-thirds of the members of both houses; except those, the removal of whom has been otherwise provided for by this constitution.

9. Absence on the business of this state, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the rights of suffrage, or of being elected or appointed to any office under this state, under the exceptions contained in this constitution.

10. It shall be the duty of the general assembly to regulate by law in what cases and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

11. Return of all elections for the members of the general assembly shall be made to the secretary of state for the time being.

12. The legislature shall point out the manner in which a man coming into the country shall declare his residence.

13. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be given by ballot.

14. No member of congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign powers, shall be eligible as a member of the general assembly of this state, or hold or exercise any office of trust or profit under the same.

15. All laws that may be passed by the legislature of the state of Louisiana, and the judicial and legislative written proceedings of the same, shall be promulgated, preserved, and



conducted, in the language in which the constitution of the United States is written.

16. The general assembly shall direct by law how persons who now are or may hereafter become securities for public officers, may be returned or discharged on account of such suretyship.

17. No power of suspending the laws of this state shall be exercised, unless by the legislature or its authority.

18. In all criminal prosecutions, the accused shall have the right of being heard, by himself or counsel: of demanding the nature and cause of the accusation against him: of meeting the witnesses face to face: of having compulsory process for obtaining witnesses in his favour; and, in prosecutions by indictment, or information, a speedy public trial by an impartial jury of the vicinage; nor shall he be compelled to give evidence against himself.

19. All prisoners shall be bailable by sufficient securities, unless for capital offences, where the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

20. No ex post facto law, nor any law impairing the obligation of contracts, shall be passed.

21. Printing presses shali be free to every person who undertakes to examine the proceedings of the legislature, or any branch of the government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

22. Emigration from the state shall not be prohibited.

23. The citizens of the town of New Orleans shall have the right of appointing the several public officers necessary for the administration and the police of the said city, pursuant to the mode of election which shall be prescribed by the legislature: Provided, that the mayor and recorder shall be ineligible to a seat in the general assembly.

24. The seat of government shall continue at New Orleans until removed by law.

25. All laws contrary to this constitution shall be null and void.

ARTICLE 7.

Mode of revising the Constitution.

§ 1. When experience shall point out the necessity of amending this constitution, and a majority of all the members elected to each house of the general assembly shall, within the first

twenty days of their stated annual session, concur in passing a law, specifying the alterations intended to be made, for taking the sense of the good people of this state, as to the necessity and expediency of calling a convention, it shall be the duty of the several returning officers, at the next general election which shall be held for representatives after the passage of such law, to open a poll for, and make return to the secretary for the time being, of the names of all those entitled to vote for representatives, who have voted for calling a convention; and if thereupon it shall appear that a majority of all the citizens of this state, entitled to vote for representatives, have voted for a convention, the general assembly shall direct that a similar poll shall be opened and taken for the next year; and if thereupon it shall appear that a majority of all the citizens of this state entitled to vote for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there shall be in the general assembly, and no more; to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending, or changing this constitution. But if it shall appear, by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called.

SCHEDULE.

§ 1. That no inconveniences may arise from the change of a territorial to a permanent state government, it is declared by the convention, that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government, in virtue of the laws now in force.

2. All fines, penalties, and forfeitures, due and owing to the territory of Orleans shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity in the territory, shall pass over to the governor, or to the officers of the state, and their successors in office, for the use of the state, by him or by them to be respectively assigned over to the use of those concerned, as the case may be.

3. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of the constitution.

4. All laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature.

5. The governor of this state shall make use of his private seal, until a state seal be procured.

6. The oaths of office herein directed to be taken may be administered by any justice of the peace, until the legislature shall otherwise direct.

7. At the expiration of the time after which this constitution is to go into operation, or immediately after official information shall have been received that congress have approved of the same, the president of the convention shall issue writs of election to the proper officers in the different counties, enjoining them to cause an election to be held for governor and members of the general assembly, in each of their respective districts. The election shall commence on the fourth Monday following the day of the president's proclamation, and shall take place on the same day throughout the state. The mode and duration of the said election shall be determined by the laws now in force: Provided, however, that in case of absence or disability of the president of the convention to cause the said election to be carried into effect, the secretary of the convention shall discharge the duties hereby imposed on the president; and that in case of the absence of the secretary, a committee of Messrs. Blanque, Brown, and Urquhart, or a majority of them, shall discharge the duties herein imposed on the secretary of the convention; and the members of the general assembly thus elected, shall assemble on the fourth Monday thereafter, at the seat of government. The governor and members of the general assembly, for this time only, shall enter upon the duties of their respective offices immediately after their election, and shall continue in office in the same manner, and during the same period, they would have done had they been elected on the first Monday of July, 1812.

8. Until the first enumeration shall be made, as directed in the sixth section of the second article of this constitution, the county of New Orleans shall be entitled to six representatives, to be elected as follows: one by the first senatorial district within the said county, four by the second district, and one by the third district; the county of German Coast to two representatives; the county of Acadia to two representatives; the county of Ibberville to two representatives; the county of Lafourche, to two representatives, to be elected as follows: one by the parish of Assumption, and the other by the parish of the Interior; the county of Rapides to two representatives; the county of Nachitoches to one representative; the county of Concordia to one representative; the county of Ouachitta to one representative; the county of Oppelousas to two representatives; the county of Attakapas to three representatives, to be elected as follows: two by the parish of St. Martin, and the third by the parish of St. Mary; and the respective senatorial districts, created by this constitution, to one senator each.

Done in convention, at New Orleans, the 22d day of the month of January, in the year of our Lord 1812, and of the independence of the United States of America the 36th.

J. POYDRAS, *President of the Convention.*

J. D. Degoutin Bellesschase,
J. Blanque,
F. J. Le Breton D'Orgenoy,
Mgre. Guichard,
S. Henderson,
P. Denis de la Ronde,
F. Livandais,
Bernard Marigny,
Thomas Urquhart,
J. Villere,
John Watkins,
Samuel Winter,
James Brown,
J. N. Destrehan,
Andre La Branche,
Michel Cantrelle,
G. Roussin,
Amant Hebert,
Wm. Wikoff, jr.
Wm. Goforth,
Bela Hubbard, jr.
St. Martin,
H. S. Thibodaux,
S. Hiriart,
Robert Hall,
T. F. Oliver,
Levi Wells,
P. Bossier Prud'homme,
James Dunlap,
D. B. Morgan,
Henry Bry,
Allen B. Magruder,
D. J. Sutton,
John Thompson,
Louis De Blanc,
Henry Johnson,
W. C. Maquille,
Charles Oliver,
Alexander Porter, jr.
M. L. Reynaud.

Attest,

ELIJIUS FROMENTIN, *Secretary to the Convention.*

AN ORDINANCE relating to the public lands of the United States, and the lands of the non-resident proprietors, citizens of said states, within the territory of Orleans.

BE it ordained, by the representatives of the people of the territory of Orleans, in convention assembled, agreeably to an act of congress, entitled "an act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states, and for other purposes," that the people inhabiting the said territory do agree and declare, that they do for ever disclaim all right or title to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States.

And be it further ordained, by the authority aforesaid, that

each and every tract of land sold by congress, shall be and remain exempt from any tax, laid by the order, or under the authority of the state of Louisiana, whether for state, county, township, parish, or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof; and that the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein: and that no taxes shall be imposed on lands the property of the United States.

And be it further ordained, by the authority aforesaid, that this ordinance shall never be revoked, without the consent of the United States in congress assembled, being first obtained for that purpose.

By the unanimous order of the convention:

J. POYDRAS, *President of the Convention.*

ELIJIUS FROMENTIN, *Secretary to the Convention.*

Done in convention, at New Orleans, this 28th day of January, in the year of our Lord 1812, and of the independence of the United States the 36th.



CONSTITUTION OF MISSISSIPPI.

WE, the representatives of the people inhabiting the western part of the Mississippi territory, contained within the following limits, to wit: Beginning on the river Mississippi, at the point where the southern boundary line of the state of Tennessee strikes the same; thence, east, along the said boundary line, to the Tennessee river; thence, up the same, to the mouth of Bear creek; thence, by a direct line, to the northwest corner of the county of Washington; thence, due south, to the Gulf of Mexico; thence, westwardly, including all islands within six leagues of the shore, to the most eastern junction of Pearl river with lake Borgne; thence, up said river, to the thirty-first degree of north latitude; thence, west, along the said degree of latitude, to the Mississippi river; thence, up the same, to the beginning—assembled in convention at the town of Washington, on Monday, the seventh day of July, one thousand eight hundred and seventeen, in pursuance of an act of congress, entitled " An act to enable the people of the western part of the Mississippi territory to form a constitution and

state government, and for the admission of such state into the Union, on an equal footing with the original states;" in order to secure to the citizens thereof the rights of life, liberty, and property, do ordain and establish the following constitution and form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of The State of Mississippi.

ARTICLE 1.

Declaration of Rights.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

§ 1. That all freemen, when they form a social compact, are equal in rights; and that no man, or set of men, are entitled to exclusive, separate public emoluments or privileges, from the community, but in consideration of public services.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit: and therefore, they have at all times an unalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient.

3. The exercise and enjoyment of religious profession and worship, without discrimination, shall for ever be free to all persons in this state: Provided, that the right hereby declared and established shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of this state.

4. No preference shall ever be given by law to any religious sect or mode of worship.

5. That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity, or acquire any civil or political advantage, in consequence of such opinions, except in cases provided for in this constitution.

6. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

7. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

8. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

9. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures or searches; and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

10. That, in all criminal prosecutions, the accused hath a right to be heard by himself and counsel : to demand the nature and cause of the accusation : to be confronted by the witnesses against him : to have compulsory process for obtaining witnesses in his favour ; and in all prosecutions by indictment or information, a speedy public trial, by an impartial jury of the county; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, but by the due course of law.

11. No person shall be accused, arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed ; and no person shall be punished but in virtue of a law established and promulgated prior to the offence, and legally applied.

12. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia, when in actual service, or by leave of the court, for misdemeanor in office.

13. No person shall, for the same offence, be twice put in jeopardy of life or limb, nor shall any person's property be taken or applied to public use without the consent of his representatives, and without just compensation being made therefor.

14. That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

15. That no power of suspending laws shall be exercised, except by the legislature or its authority.

16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

17. That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, when the proof is evident, or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

18. That the person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

19. That no ex post facto law, nor law impairing the obligation of a contract, shall be made.

20. That no person shall be attainted of treason or felony by the legislature.

21. That the estates of suicides shall descend or vest as in cases of natural death ; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

22. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to

those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

23. Every citizen has a right to bear arms in defence of himself and the state.

24. No standing army shall be kept up without the consent of the legislature, and the military shall in all cases, and at all times, be in strict subordination to the civil power.

25. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

26. That no hereditary emoluments, privileges, or honours, shall ever be granted or conferred in this state.

27. No citizen in this state shall be exiled, or prevented from emigrating, on any pretence whatever.

28. The right of trial by jury shall remain inviolate.

29. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself, before any tribunal in this state, by him or herself, or council, or both.

CONCLUSION.

To guard against transgressions of the high powers herein delegated, we declare, that every thing in this article is excepted out of the general powers of government, and shall for ever remain inviolate, and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE 2.

Distribution of Powers.

§ 1. The powers of the government of the state of Mississippi shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE 3.

Legislative Department.

§ 1. Every free white male person, of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this state one year next preceding an election, and the last six months within the county, city, or

town in which he offers to vote, and shall be enrolled in the militia thereof, except exempted by law from military service; or, having the aforesaid qualifications of citizenship and residence, shall have paid a state or county tax, shall be deemed a qualified elector; no elector shall be entitled to vote, except in the county, city, or town, (entitled to separate representation) in which he may reside at the time of the election.

2. Electors shall, in all cases except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

3. The first election shall be by ballot, and all future elections by the people shall be regulated by law.

4. The legislative power of this state shall be vested in two distinct branches: the one to be styled the senate, the other the house of representatives, and both together "the general assembly of the state of Mississippi." And the style of their laws shall be, "*Be it enacted by the senate and house of representatives of the state of Mississippi in general assembly convened.*"

5. The members of the house of representatives shall be chosen by the qualified electors, and shall serve for the term of one year, from the day of the commencement of the general election, and no longer.

6. The representatives shall be chosen every year, on the first Monday and the day following in August.

7. No person shall be a representative unless he be a citizen of the United States, and shall have been an inhabitant of this state two years next preceding his election, and the last year thereof a resident of the county, city, or town, for which he shall be chosen, and shall have attained to the age of twenty-two years; and also, unless he shall hold, in his own right within this state, one hundred and fifty acres of land, or an interest in real estate, of the value of five hundred dollars, at the time of his election, and for six months previous thereto.

8. Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the legislature may divide any county: Provided, that when it shall appear to the legislature that any city or town hath a number of free white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants, equal to the existing ratio; and thereafter and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to a separate representation is situated, shall not be held in such city or town: And provided,

that, if the residuum or fraction of any city or town entitled to separate representation shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city, or town, having the largest residuum, shall be entitled to such representation: And provided, also, that when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

9. The general assembly shall, at their first meeting, and in the year one thousand eight hundred and twenty, and in not less than every three nor more than every five years thereafter, cause an enumeration to be made of all the free white inhabitants of the state; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the general assembly, and apportioned among the several counties, cities, or towns, entitled to separate representation, according to the number of free white inhabitants in each, and shall not be less than twenty-four, nor greater than thirty-six, until the number of free white inhabitants shall be eighty thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor more than one hundred: Provided, however, that each county shall always be entitled to at least one representative.

10. The whole number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the general assembly, and apportioned among the several districts to be established by law, according to the number of free white taxable inhabitants in each, and shall never be less than one-fourth, nor more than one-third, of the whole number of representatives.

11. The senators shall be chosen by the qualified electors, for three years, and on their being convened in consequence of the first election, they shall be divided by lot, from their respective districts, into three classes, as nearly equal as can be. The seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one-third thereof may be annually chosen thereafter.

12. Such mode of classifying new additional senators shall be observed, as will, as nearly as possible, preserve an equality of numbers in each class.

13. When a senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

14. No person shall be a senator unless he be a citizen of the United States, and shall have been an inhabitant of this state

four years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years; and also, unless he shall hold, in his own right, within this state, three hundred acres of land, or an interest in real estate of the value of one thousand dollars, at the time of his election, and for six months previous thereto.

15. The house of representatives, when assembled shall choose a speaker and its other officers; and the senate shall choose its officers, except the president; and each house shall judge of the qualifications and elections of its own members; but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

16. Each house may determine the rules of its own proceedings, punish members for disorderly behaviour, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

17. Each house shall keep a journal of its proceedings, and publish the same, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journals.

18. When vacancies happen in either house, the governor, or the person exercising the powers of the governor, shall issue writs of election to fill such vacancies.

19. Senators and representatives shall, in all cases except of treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the general assembly is convened.

20. Each house may punish, by imprisonment during the session, any person, not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings: Provided such imprisonment shall not, at any one time, exceed forty-eight hours.

21. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

23. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until, on three several days, it be read in each house,

and free discussion be allowed thereon, unless, in cases of urgency, four-fifths of the house in which the bill shall be depending may deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speaker and president of their respective houses.

24. All bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject them as other bills.

25. Each member of the general assembly shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

26. No senator or representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people; and no member of either house of the general assembly shall, after the commencement of the first session of the legislature after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the general assembly.

27. No judge of any court of law or equity, secretary of state, attorney general, clerk of any court of record, sheriff, or collector, or any person holding a lucrative office under the United States, (the office of post-master excepted,) or this state, shall be eligible to the general assembly: Provided, that offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or of the quorum, shall not be deemed lucrative.

28. No person who hath heretofore been or hereafter may be a collector or holder of public moneys, shall have a seat in either house of the general assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

29. The first election for senators and representatives shall be general throughout the state, and shall be held on the first Monday and Tuesday in September next; and thereafter, there shall be an annual election for senators, to fill the places of those whose term of service may have expired.

30. The first session of the general assembly shall commence on the first Monday in October next, and be held at the city of Natchez, and thereafter at such place as may be directed by law; and thereafter the general assembly shall meet on the first Monday in November in every year, and at no other period, unless directed by law, or provided for by this constitution.

ARTICLE 4.

Executive Department.

§ 1. The supreme executive power of this state shall be vested in a governor, who shall be elected by the qualified electors, and shall hold his office for two years from the time of his installation, and until his successor be duly qualified.

2. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the secretary of state, who shall deliver them to the speaker of the house of representatives, at the next ensuing session of the general assembly, during the first week of which session the said speaker shall open and publish them in presence of both houses of the general assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint ballot of both houses.

Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

3. The governor shall be at least thirty years of age, shall have been a citizen of the United States for twenty years, shall have resided in this state at least five years next preceding the day of his election, and shall be seized in his own right of a freehold estate of six hundred acres of land, or of real estate of the value of two thousand dollars, at the time of his election, and twelve months previous thereto.

4. He shall at stated times receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

5. He shall be commander in chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

6. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

7. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in cases of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting of the general assembly.

8. He shall, from time to time, give to the general assembly information of the state of the government, and recommend

to their consideration such measures as he shall deem expedient.

9. He shall take care that the laws be faithfully executed.

10. In all criminal and penal cases, except in those of treason, and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power to grant reprieves and pardons, by and with the advice and consent of the senate, but may respite the sentence until the end of the next session of the general assembly.

11. All commissions shall be in the name and by the authority of the state of Mississippi, be sealed with the state seal, and signed by the governor, and attested by the secretary of state.

12. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Mississippi.

13. When a vacancy shall happen in any office during the recess of the general assembly, the governor shall have power to fill the same by granting a commission, which shall expire at the end of the next session of the general assembly, except in cases otherwise directed by this constitution.

14. A secretary of state shall be appointed, who shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before the general assembly, and shall perform such other duties as may be required of him by law.

15. Every bill which shall have passed both houses of the general assembly shall be presented to the governor; if he approve, he shall sign it; but, if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of that house, it shall become a law: but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively: If any bill shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall not be a law.

16. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on questions of

adjournment, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

17. The appointment of all officers, not otherwise directed by this constitution, shall be by the joint vote of both houses of the general assembly; the votes shall be given *viva voce*, and recorded in the public journal of each house: Provided, that the general assembly be authorized to provide by law for the appointment of all inspectors, collectors, and their deputies, surveyors of highways, constables, and such other inferior officers, whose jurisdiction may be confined within the limits of the county.

18. There shall be also a lieutenant governor, who shall be chosen at every election for a governor, by the same persons, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

19. The lieutenant governor shall, by virtue of his office, be president of the senate, and have, when in committee of the whole, a right to debate and vote on all questions, and, when the senate is equally divided, to give the casting vote.

20. In case of the death, resignation, refusal to serve, or removal from office, of the governor, or of his impeachment or absence from the state, the lieutenant governor shall exercise the powers and authority appertaining to the office of governor, until another be chosen at the next periodical election for a governor, and be duly qualified; or until the governor impeached or absent shall be acquitted or return.

21. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their own members as president *pro tempore*.

And if, during the vacancy of the office of governor, the lieutenant governor shall die, resign, refuse to serve, or be removed from office, or if he shall be impeached, or absent from the state, the president of the senate *pro tempore* shall, in like manner, administer the government, until he shall be superseded by a governor, or lieutenant governor. The lieutenant governor shall, whilst he acts as president of the senate, receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received had he been employed in the duties of his office, and no more.

22. The president *pro tempore* of the senate shall, during the time he administers the government, receive, in like man-

ner, the same compensation which the governor would have received had he been employed in the duties of his office, and no more.

23. If the lieutenant governor shall be required to administer the government, and shall, whilst in such administration, die, resign, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary of state, for the time being, to convene the senate for the purpose of choosing a president *pro tempore.*

24. A sheriff, and one or more coroners, shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

25. A state treasurer, and an auditor of public accounts, shall be annually appointed.

Militia.

§ 1. The general assembly shall provide by law for organizing and disciplining the militia of this state, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

2. Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct, and shall be commissioned by the governor.

3. Those persons who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

4. The governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions.

ARTICLE 5.

Judicial Department.

§ 1. The judicial power of this state shall be vested in one supreme court, and such superior and inferior courts of law and equity as the legislature may from time to time direct and establish.

2. There shall be appointed in this state not less than four nor more than eight judges of the supreme and superior courts, who shall receive for their services a compensation, which shall be fixed by law, and shall not be diminished during their continuance in office: Provided, that the judge whose dicision is under consideration in the supreme court, shall not constitute one of the court to determine the question on such decision; but it shall be the duty of such judge to report to the supreme court the reasons upon which his opinion was founded.

3. The state shall be divided into convenient districts, and

each district shall contain not less than three nor more than six counties. For each district there shall be appointed a judge, who shall, after his appointment, reside in the district for which he is appointed.

4. The superior court shall have original jurisdiction in all matters, civil and criminal, within this state; but, in civil cases, only where the matter or sum in controversy exceeds fifty dollars.

5. A superior court shall be held in each county in the state at least twice in every year. The judges of the several superior courts may hold courts for each other when they may deem it expedient, or as they may be directed by law.

6. The legislature shall have power to establish a court or courts of chancery, with exclusive original equity jurisdiction, and until the establishment of such court or courts, the said jurisdiction shall be vested in the superior courts respectively.

7. The legislature shall have power to establish in each county within this state a court of probate, for the granting of letters testamentary, and of administration for orphan's business, for county police, and for the trial of slaves.

8. A competent number of justices of the peace shall be appointed in and for each county, in such mode, and for such term of office, as the legislature shall direct. Their jurisdiction in civil cases shall be limited to causes in which the amount in controversy shall not exceed fifty dollars. And in all cases tried by a justice of the peace, right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

9. The judges of the several courts of this state shall hold their offices during good behaviour. And for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for an impeachment, the governor shall remove any of them on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and on the journals of each house, and provided further, that the judge so intended to be removed, shall be notified, and admitted to a hearing in his own defence, before any vote for such address shall pass.

10. No person who shall have arrived at the age of sixty-five years shall be appointed to, or continue in, the office of judge in this state.

11. Each court shall appoint its own clerk, who shall hold his office during good behaviour, but shall be removable therefrom for neglect of duty, or misdemeanor in office, by the supreme court, which court shall determine both the law and the fact: Provided, that the clerk so appointed shall have been a resident of the county in which he is clerk, at least six months previous to his appointment.

12. The judges of the supreme and superior court shall, by virtue of their office, be conservators of the peace throughout the state.

13. The style of all process shall be "the State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "the state of Mississippi," and shall conclude "against the peace and dignity of the same."

14. There shall be an attorney general for the state, and as many district attorneys as the general assembly may deem necessary, who shall hold their offices for the term of four years, and shall receive for their services a compensation, which shall not be diminished during their continuance in office.

Impeachments.

§ 1. The house of representatives shall have the sole power of impeaching.

2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be on oath or affirmation: No person shall be convicted without the concurrence of two-thirds of the members present.

3. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under the state; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment, according to law, as in other cases.

ARTICLE 6.

General Provisions.

§ 1. Members of the general assembly and all officers, executive and judicial, before they enter on the execution of their respective offices, shall take the following oath or affirmation, to wit: "I solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the state of Mississippi, so long as I continue a citizen thereof, and that I will faithfully discharge, to the best of my abilities, the duties of the office of ——— according to law. So help me God."

2. The general assembly shall have power to pass such penal laws to suppress the evil practice of duelling, extending to disqualification from office or the tenure thereof, as they may deem expedient.

3. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the

testimony of two witnesses to the same overt act, or his own confession in open court.

4. Every person shall be disqualified from holding an office or place of honour, or profit, under the authority of this state, who shall be convicted of having given or offered any bribe to procure his election.

5. Laws shall be made to exclude from office, and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper conduct.

6. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this state.

7. Ministers of the gospel, being by their profession dedicated to God, and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatever, shall be eligible to the office of governor, lieutenant governor, or to a seat in either branch of the general assembly.

8. No money shall be drawn from the treasury, but in consequence of an appropriation made by law, nor shall any appropriation of money, for the support of an army, be made for a longer term than one year: and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

9. No bank shall be incorporated by the legislature without the reservation of a right to subscribe for, in behalf of the state, at least one-fourth part of the capital stock thereof, and the appointment of a proportion of the directors equal to the stock subscribed for.

10. The general assembly shall pass no law impairing the obligation of contracts, prior to the year one thousand eight hundred and twenty-one, on account of the rate of interest, fairly agreed on in writing between the contracting parties, for a *bona fide* loan of money; but they shall have power to regulate the rate of interest where no special contract exists in relation thereto.

11. The general assembly shall direct by law in what manner, and in what courts, suits may be brought against the state.

12. All officers of the state, the term of whose appointment is not otherwise directed by this constitution, shall hold their offices during good behaviour.

13. Absence on business of this state, or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

14. It shall be the duty of the general assembly to regulate by law the cases in which deductions shall be made from the

salaries of public officers for neglect of duty in their official capacity, and the amount of such deduction.

15. No member of congress, nor any person holding any office of profit, or trust, under the United States, or either of them, the office of post-master excepted, or under any foreign power, shall hold or exercise any office of trust, or profit, under this state.

16. Religion, morality, and knowledge, being necessary to good government, the preservation of liberty, and the happiness of mankind—schools, and the means of education, shall for ever be encouraged in this state.

17. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in chancery: Provided, that no decree for such divorce shall have effect until the same shall be sanctioned by two-thirds of both branches of the general assembly.

18. Returns of all elections by the people shall be made to the secretary of state.

19. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it may be taken, to a less content than five hundred and seventy-six square miles, nor shall any new county be laid off of less contents.

20. That the general assembly shall take measures to preserve from unnecessary waste or damage such lands as are or may hereafter be granted by the United States for the use of schools, within each township in this state, and apply the funds which may be raised from such lands, by rent or lease, in strict conformity to the object of such grant; but no lands granted for the use of such township schools shall ever be sold by any authority in this state.

Slaves.

§ 1. The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, unless where a slave shall have rendered to the state some distinguished service, in which case the owner shall be paid a full equivalent for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state: Provided, that such person or slave be the *bona fide* property of such emigrants: and provided, also, laws may be passed to prohibit the introduction into the state of slaves who have committed high crimes in other states. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power

to prevent slaves from being brought into this state as merchandise, and also to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

2. In the prosecution of slaves for crimes, no inquest by a grand jury shall be necessary, but the proceedings in such cases shall be regulated by law: except that, in capital cases, the general assembly shall have no power to deprive them of an impartial trial by a petit jury.

Mode of revising the Constitution.

That, whenever two-thirds of the general assembly shall deem it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members of the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen by the qualified electors, in the manner, and at the times and places of choosing members of the general assembly, which convention shall meet within three months after the said election, for the purpose of revising, amending, or changing the constitution.

SCHEDULE.

§ 1. That no inconvenience may arise from a change of territorial to a permanent state government, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place.

2. All fines, penalties, forfeitures, and escheats, accruing to the Mississippi territory, within the limits of this state, shall inure to the use of the state.

3. The validity of all bonds and recognizances, executed to the governor of the Mississippi territory, shall not be impaired by the change of government, but may be sued for and recovered in the name of the governor of the state of Mississippi, and his successors in office; and all criminal or penal actions, arising or now depending within the limits of this state, shall be prosecuted to judgment and execution, in the name of the said state. All causes of action arising to individuals, and all suits at law, or in equity, now depending in the several courts, within the limits of this state, and not already barred by law, may be commenced in, or transferred to, such court as may have jurisdiction thereof. Bonds, recognizances, and other papers and writings, properly belonging to the eastern section

of the Mississippi territory, not comprised within the limits of this state, shall be transferred to the offices to which they severally belong.

4. All officers, civil and military, now holding commissions under the authority of the United States, or of the Mississippi territory, within this state, shall continue to hold and exercise their respective offices, under the authority of this state, until they shall be superseded under the authority of this constitution; and shall receive from the treasury of this state the same compensation which they heretofore received for their services, in proportion to the time they shall be so employed. The governor shall have power to fill vacancies by commissions, to expire so soon as elections or appointments can be made to such office, by the authority of this constitution.

5. All laws and parts of laws, now in force in the Mississippi territory, and not repugnant to the provisions of this constitution, shall continue and remain in force as the laws of this state, until they expire by their own limitation, or shall be altered or repealed by the legislature thereof.

6. Every free white male person, above the age of twenty-one years, who shall be a citizen of the United States, and resident in this state at the time of the adoption of this constitution, shall be deemed a qualified elector, at the first election to be held in this state; any thing in the constitution to the contrary notwithstanding.

7. The president of this convention shall issue writs of election, directed to the sheriffs of the several counties, requiring them to cause an election to be held for a governor, lieutenant governor, representative to the congress of the United States, members of the general assembly, and sheriffs of the respective counties, at the respective places of elections, in said counties, except in the county of Warren, in which county the election shall be held at the court house, instead of the place provided by law, on the first Monday and the day following in September next; which elections shall be conducted in the manner prescribed by the existing election laws of the Mississippi territory; and the said governor, lieutenant governor, and members of the general assembly, then duly elected, shall continue to discharge the duties of their respective offices for the time prescribed by this constitution, and until their successors be duly qualified.

8. Until the first enumeration shall be made, as directed by this constitution, the county of Warren shall be entitled to one representative, the county of Claiborne to two representatives, the county of Jefferson to two representatives, the county of Adams to four representatives, the county of Franklin to one representative, the county of Wilkinson to three representatives, the county of Amite to three representatives, the county of Pike to two representatives, the county of Lawrence to one

representative, the county of Marion to one representative, the county of Hancock to one representative, the county of Green to one representative, the county of Wayne to one representative, the county of Jackson to one representative. The counties of Warren and Claiborne, shall be entitled to one senator, the county of Adams to one senator, the county of Jefferson to one senator, the county of Wilkinson to one senator, the county of Amite to one senator, the counties of Franklin and Pike to one senator, the counties of Lawrence, Marion, and Hancock, to one senator, the counties of Green, Wayne, and Jackson, to one senator.

9. The governor may appoint and commission an additional judge, or one of the former judges of the superior court, whose commission shall expire so soon as appointments can be made under the constitution. It shall be the duty of the judge so appointed, or one of the former territorial judges, to hold superior courts in the counties of Jackson, Green, Wayne, and Hancock, at the time heretofore prescribed by law: Provided, that, if either of the former territorial judges, in addition to his duty in the western counties, perform such duty, and no additional judge be appointed, he shall receive an extra compensation, proportioned to the amount of his salary, and term of service rendered. If an additional judge be appointed, he shall receive the same compensation for his services as the other judges of the superior court.

10. The sheriff of Warren county shall, within ten days after the election, make return of the number of votes for senator in his county, to the sheriff of Claiborne county, who shall be the returning officer for the district. The sheriff of Pike county shall, within ten days after the election, make return of the number of votes for senator in his county, to the sheriff of Franklin county, who shall be the returning officer for the district. The sheriffs of Hancock and Lawrence counties shall, within ten days after the election, make return of the number of votes for senator in their respective counties, to the sheriff of Marion county, who shall be the returning officer for the district. The sheriffs of Jackson and Wayne counties shall, within ten days after the election, make return of the number of votes for senator, in their respective counties, to the sheriff of Green county, who shall be the returning officer for the district.

ORDINANCE.

WHEREAS it is required by the act of congress, under which this convention is assembled, that certain provisions should be made by an ordinance of this convention:

Therefore, this convention, for and in behalf of the people inhabiting this state, do ordain, agree, and declare, that they

for ever disclaim all right or title to the waste or unappropriated lands lying within the state of Mississippi, and that the same shall be and remain at the sole and entire disposition of the United States, and, moreover, that each and every tract of land sold by congress shall be and remain exempt from any tax laid by the order, or under the authority, of this state, whether for state, county, township, parish, or other purposes whatever, for the term of five years, from and after the respective days of sale thereof, and that the lands belonging to citizens of the United States, residing without this state, shall never be taxed higher than the lands belonging to persons residing within the same; that no taxes shall be imposed on lands the property of the United States, and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the gulf of Mexico, shall be common highways, and for ever free, as well to the inhabitants of this state, as to other citizens of the United States, without any duty, tax, impost, or toll therefor, imposed by this state: And this ordinance is hereby declared irrevocable, without the consent of the United States.

Done in convention, at the town of Washington, the 15th day of August, in the year of our Lord 1817, and in the forty-second year of the Independence of the United States of America.

DAVID HOLMES, *President*.

Josiah Simpson,
James C. Wilkins,
John Taylor,
Christopher Rankin,
Edward Turner,
Joseph Sessions,
John Steel,
Henry D. Downs,
Andrew Glass,
James Knox,
George Poindexter,
Daniel Williams,
Abram M. Scott,
John Joor,
Gerard C. Brandon,
Joseph Johnson,
Henry Hanna,
Thomas Batchelor,
John Burton,
Thomas Torrence,
Angus Wilkinson,
William Lattimore,
David Dickson,
Cowles Mead,
Hezekiah J. Balch,
Joseph E. Davis,
Walter Leake,
Thomas Barnes,
Daniel Burnet,
Joshua G. Clark,
William J. Minton,
James Y. M'Nabb,
Haronn Runnels,
George W. King,
John Ford,
Dougal M'Laughlin,
Noel Jourdan,
Amos Burnet,
James Patton,
Clinch Gray,
Laughlin M'Kay,
John M'Rea,
John M'Leod,
Thomas Bilbo.

LOUIS WINSTON, *Secretary*.

CONSTITUTION OF ILLINOIS.

The constitution of the state of Illinois, adopted in convention, at Kaskaskia, on the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.

The people of the Illinois territory, having the right of admission into the general government, as a member of the Union, consistent with the constitution of the United States, the ordinance of congress of 1787, and the law of congress "approved April 18th, 1818," entitled "an act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to themselves and their posterity, do, by their representatives in convention, ordain and establish the following constitution or form of government; and do mutually agree with each other to form themselves into a free and independent state, by the name of the state of Illinois. And they do hereby ratify the boundaries assigned to such state by the act of congress aforesaid, which are as follows, to wit: beginning at the mouth of the Wabash river, thence, up the same, and with the line of Indiana, to the north-west corner of said state; thence, east, with the line of the same state, to the middle of lake Michigan; thence, north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence, west, to the middle of the Mississippi river; and thence, down, along the middle of that river; to its confluence with the Ohio river; and thence, up the latter river, along its north-western shore, to the beginning.

ARTICLE 1.

Concerning the distribution of the powers of Government.

§ 1. The powers of the government of the state of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

2. No person or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE 2.

§ 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

2. The first election for senators and representatives shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday in August, one thousand eight hundred and twenty; and for ever after, elections shall be held once in two years, on the first Monday of August, in each and every county, at such places therein as may be provided by law.

3. No person shall be a representative who shall not have attained the age of twenty-one years, who shall not be a citizen of the United States, and an inhabitant of this state; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States or of this state; and who moreover shall not have paid a state or county tax.

4. The senators, at their first session herein provided for, shall be divided by lot from their respective counties or districts, as near as can be, into two classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; and those of the second class at the expiration of the fourth year, so that one half thereof, as near as possible, may be biennially chosen for ever thereafter.

5. The number of senators and representatives shall, at the first session of the general assembly, holden after the returns herein provided for are made, be fixed by the general assembly, and apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. The number of representatives shall not be less than twenty-seven, nor more than thirty-six, until the number of inhabitants within this state shall amount to one hundred thousand; and the number of senators shall never be less than one-third nor more than one-half of the number of representatives.

6. No person shall be a senator who has not arrived at the age of twenty-five years, who shall not be a citizen of the United States, and who shall not have resided one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same

shall have been taken; unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax.

7. The senate and house of representatives, when assembled, shall each choose a speaker, and other officers, (the speaker of the senate excepted:) each house shall judge of the qualifications and elections of its members, and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

8. Each house shall keep a journal of its proceedings and publish them; the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

9. Any two members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reasons of their dissent entered on the journals.

10. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

11. When vacancies happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

12. Senators and representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

13. Each house may punish, by imprisonment during its session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence; provided such imprisonment shall not at any one time exceed twenty-four hours.

14. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

15. Bills may originate in either house, but may be altered, amended, or rejected by the other.

16. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speakers of their respective houses.

17. The style of the laws of this state shall be, "*Be it enacted by the people of the state of Illinois, represented in the general assembly.*"

18. The general assembly of this state shall not allow the following officers of government greater or smaller annual salaries than as follows, until the year one thousand eight hundred and twenty-four: the governor one thousand dollars; and the secretary of state six hundred dollars.

19. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time.

20. No money shall be drawn from the treasury but in consequence of appropriations made by law.

21. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rising of each session of the general assembly.

22. The house of representatives shall have the sole power of impeaching, but a majority of all the members present must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for the purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of all the senators present.

23. The governor and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honour, profit, or trust, under this state. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

24. The first session of the general assembly shall commence on the first Monday in October next, and for ever after the general assembly shall meet on the first Monday in December next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

25. No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, register, clerk of any court of record, sheriff, or collector, member of either house of congress, or person holding any lucrative office under the United States or this state (provided that appointments in the militia, post-masters, or justices of the peace shall not be considered lucrative offices,) shall have a seat in the general assembly: nor shall any person holding an office of honour or profit under the government of the United States, hold any office of honour or profit under the authority of this state.

26. Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering upon the duties

thereof, take an oath to support the constitution of the United States, and of this state, and also an oath of office.

27. In all elections, all white male inhabitants, above the age of twenty-one years, having resided in the state six months next preceding the election, shall enjoy the right of an elector: but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

28. All votes shall be given, viva voce, until altered by the general assembly.

29. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

30. The general assembly shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime.

31. In the year one thousand eight hundred and twenty, and every fifth year thereafter, an enumeration of all the white inhabitants of the state shall be made, in such manner as shall be directed by law.

32. All bills for raising a revenue shall originate in the house of representatives, subject, however, to amendment or rejection, as in other cases.

ARTICLE 3.

§ 1. The executive power of this state shall be vested in a governor.

2. The first election of governor shall commence on the third Thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first Monday of August, in the year of our Lord one thousand eight hundred and twenty-two. And for ever after, elections for governor shall be held once in four years, on the first Monday of August. The governor shall be chosen by the electors of the members of the general assembly, at the same places and in the same manner that they shall respectively vote for members thereof. The returns for every election of governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

3. The first governor shall hold his office until the first Monday of December, in the year of our Lord one thousand eight hundred and twenty-two, and until another governor shall be elected and qualified to office; and for ever after, the governor shall hold his office for the term of four years, and until another governor shall be elected and qualified; but he shall not be eligible for more than four years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States thirty years; two years of which, next preceding his election, he shall have resided within the limits of this state.

4. He shall, from time to time, give the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

5. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

6. The governor shall at stated times receive a salary for his services, which shall neither be increased nor diminished during the term for which he shall have been elected.

7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

8. When any officer, the right of whose appointment is, by this constitution, vested in the general assembly, or in the governor and senate, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly.

9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them when assembled, the purpose for which thay shall have been convened.

10. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

11. There shall be elected in each and every county in the said state, by those who are qualified to vote for members of the general assembly, and at the same times and places where the elections for such members shall be held, one sheriff and one coroner, whose election shall be subject to such rules and regulations as shall be prescribed by law. The said sheriffs and coroners respectively, when elected, shall continue in office two years, be subject to removal and disqualification, and such other rules and regulations as may be from time to time prescribed by law.

12. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such a time as he thinks proper, provided it be not to a period beyond the next constitutional meeting of the same.

13. A lieutenant governor shall be chosen at every election for governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

14. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects, and whenever the senate are equally divided, to give the casting vote.

15 Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker for that occasion. And if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign, or die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

16. The lieutenant governor, while he acts as speaker of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, he shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

17. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary for the time being to convene the senate for the purpose of choosing a speaker.

18. In case of an impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until the time pointed out by this constitution for the election of governor shall arrive, unless the general assembly shall provide by law for the election of a governor to fill such vacancy.

19. The governor, for the time being, and the judges of the supreme court, or a major part of them, together with the governor, shall be and are hereby constituted a council to revise all bills about to be passed into laws by the general assembly; and for that purpose shall assemble themselves from time to time, when the general assembly shall be convened; for which, nevertheless, they shall not receive any salary or consideration, under any pretence whatever; and all bills which have passed the senate and house of representatives, shall, before they become laws, be presented to the said council for their revisal and consideration; and if, upon such revisal

and consideration, it should appear improper to the said council, or a majority of them, that the bill should become a law of this state, they shall return the same, together with their objections thereto, in writing, to the senate or house of representatives, (in whichsoever the same shall have originated) who shall enter the objections set down by the council, at large, in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, by a majority of the whole number of members elected, it shall, together with the said objections, be sent to the other branch of the general assembly, where it shall also be reconsidered; and if approved by a majority of all the members elected, it shall become a law. If any bill shall not be returned within ten days after it shall have been presented, the same shall be a law; unless the general assembly shall, by their adjournment, render a return of the said bill, in ten days, impracticable, in which case the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of the said ten days, or be a law.

20. The governor shall nominate, and, by and with the advice and consent of the senate, appoint a secretary of state, who shall keep a fair register of the official acts of the governor, and, when required, shall lay the same, and all papers, minutes, and vouchers, relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law.

21. The state treasurer, and public printer or printers for the state, shall be appointed biennially, by the joint vote of both branches of the general assembly. Provided, that during the recess of the same, the governor shall have power to fill such vacancies as may happen in either of said offices.

22. The governor shall nominate, and, by and with the advice and consent of the senate, appoint, all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: Provided, however, that inspectors, collectors, and their deputies, surveyors of the highways, constables, gaolers, and such inferior officers whose jurisdiction may be confined within the limits of the county, shall be appointed in such manner as the general assembly shall prescribe.

ARTICLE 4.

§ 1. The judicial power of this state shall be vested in one supreme court, and such inferior courts as the general assembly shall from time to time ordain and establish.

2. The supreme court shall be holden at the seat of government, and shall have an appellate jurisdiction only, except in

cases relating to the revenue, in cases of mandamus, and in such cases of impeachment as may be required to be tried before it.

3. The supreme court shall consist of a chief justice, and three associates, any two of whom shall form a quorum. The number of justices may, however, be increased, by the general assembly, after the year one thousand eight hundred and twenty-four.

4. The justices of the supreme court, and the judges of the inferior courts, shall be appointed by joint ballot of both branches of the general assembly, and commissioned by the governor, and shall hold their offices during good behaviour, until the end of the first session of the general assembly, which shall be begun and held after the first day of January, in the year of our Lord one thousand eight hundred and twenty-four, at which time their commissions shall expire: and until the expiration of which time, the said justices respectively shall hold circuit courts in the several counties, in such manner, and at such times, and shall have and exercise such jurisdiction, as the general assembly shall by law prescribe. But ever after the aforesaid period, the justices of the supreme court shall be commissioned during good behaviour, and the justices thereof shall not hold circuit courts, unless required by law.

5. The judges of the inferior courts shall hold their offices during good behaviour, but for any reasonable cause, which shall not be sufficient ground for impeachment, both the judges of the supreme and inferior courts shall be removed from office, on the address of two-thirds of each branch of the general assembly: Provided, always, that no member of either house of the general assembly, nor any person connected with a member by consanguinity or affinity, shall be appointed to fill the vacancy occasioned by such removal. The said justices of the supreme court, during their temporary appointments, shall receive an annual salary of one thousand dollars, payable quarter-yearly out of the public treasury. The judges of the inferior courts, and the justices of the supreme court, who may be appointed after the end of the first session of the general assembly, which shall be begun and held after the first day of January, in the year of our Lord one thousand eight hundred and twenty-four, shall have adequate and competent salaries, which shall not be diminished during their continuance in office.

6. The supreme court, or a majority of the justices thereof, the circuit courts, or the justices thereof, shall respectively appoint their own clerks.

7. All process, writs, and other proceedings, shall run in the name of "the people of the state of Illinois." All prosecutions shall be carried on in the name and by the authority of

"the people of the state of Illinois," and conclude "against the peace and dignity of the same."

8. A competent number of justices of the peace shall be appointed in each county, in such manner as the general assembly may direct, whose time of service, power, and duties, shall be regulated and defined by law. And justices of the peace, when so appointed, shall be commissioned by the governor.

ARTICLE 5.

§ 1. The militia of the state of Illinois shall consist of all free male able-bodied persons, (negroes, mulattoes, and Indians, excepted,) resident in the state, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this state, and shall be armed, equipped, and trained, as the general assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

3. Company, battalion, and regimental officers, staff officers excepted, shall be elected by the persons composing their several companies, battalions, and regiments.

4. Brigadier and majors general shall be elected by the officers of their brigades and divisions respectively.

5. All militia officers shall be commissioned by the governor, and may hold their commissions during good behaviour, or until they arrive at the age of 60 years.

6. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters, and elections of officers, and in going to and returning from the same.

ARTICLE 6.

§ 1. Neither slavery nor involuntary servitude shall hereafter be introduced into this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration, received, or to be received, for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or, if made in this state, where the term of service exceeds one year,

be of the least validity, except those given in cases of apprenticeship.

2. No person bound to labour in any other state, shall be hired to labour in this state, except within the tract reserved for the salt works, near Shawneetown; nor even at that place for a longer period than one year at any one time: nor shall it be allowed there after the year one thousand eight hundred and twenty-five; any violation of this article shall effect the emancipation of such person from his obligation to service.

3. Each and every person who has been bound to service by contract or indenture, in virtue of the laws of the Illinois territory, heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattoes as have been registered, in conformity with the aforesaid laws, shall serve out the time appointed by such laws: Provided, however, that the children hereafter born of such persons, negroes, or mulattoes, shall become free, the males at the age of twenty-one years, the females at the age of eighteen years. Each and every child born of indentured parents shall be entered with the clerk of the county in which they reside, by their owners, within six months after the birth of said child.

ARTICLE 7.

§ 1. Whenever two-thirds of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors, at the next election of members of the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same place, and by the the same electors that choose the general assembly, and which convention shall meet within three months after the said election, for the purpose of revising, altering, or amending, this constitution.

ARTICLE 8.

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare:

§ 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

2. That all power is inherent in the people; and all free

governments are founded on their authority, and instituted for their peace, safety, and happiness.

3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent: that no human authority can, in any case whatever, control or interfere with the rights of conscience: and that no preference shall ever be given by law to any religious establishments or modes of worship.

4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

5. That elections shall be free and equal.

6. That the right of the trial by jury shall remain inviolate.

7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and supported by evidence, are dangerous to liberty, and ought not to be granted.

8. That no freeman shall be imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land. And all lands which have been granted as a common to the inhabitants of any town, hamlet, village, or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall for ever remain common to the inhabitants of such town, hamlet, village, or corporation: and the said commons shall not be leased, sold, or divided, under any pretence whatever: Provided, however, that nothing in this section shall be so construed as to affect the commons of Cahokia or Prairie Dupont: Provided, also, that the general assembly shall have power and authority to grant the same privilege to the inhabitants of the said villages of Cahokia and Prairie Dupont as are hereby granted to the inhabitants of other towns, hamlets, and villages.

9. That, in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favour; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; and that he shall not be compelled to give evidence against himself.

10. That no person shall, for any indictable offence, be proceeded against criminally, by information, except in cases

arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanor in office.

11. No person shall, for the same offence, be twice put in jeopardy of his life or limb: nor shall any man's property be taken or applied to public use without the consent of his representatives in the general assembly, nor without just compensation being made to him.

12. Every person within this state ought to find a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it: completely, and without denial, promptly and without delay, conformably to the laws.

13. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

14. All penalties shall be proportioned to the nature of the offence—the true design of all punishments being to reform, and not to exterminate mankind.

15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

17. That no person shall be liable to be transported out of this state, for any offence committed within the same.

18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

20. That the mode of levying a tax shall be by valuation; so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession.

21. That there shall be no other banks or moneyed institutions in this state, but those already provided by law, except a state bank and its branches, which may be established and regulated by the general assembly of the state, as they may think proper.

22. The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be

made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

23. In prosecutions for the publication of papers investigating the official conduct of officers or men acting in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and, in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court, as in other cases.

SCHEDULE.

§ 1. That no inconveniences may arise from the change of a territorial to a permanent state government, it is declared by the convention, that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government, in virtue of the laws now in force.

2. All fines, penalties, and forfeitures, due and owing to the territory of Illinois, shall inure to the use of the state. All bonds executed to the governor, or to any other officer in his official capacity in the territory, shall pass over to the governor, or to the officers of the state, and their successors in office, for the use of the state, by him or by them to be respectively assigned over to the use of those concerned, as the case may be.

3. No sheriff, or collector of public moneys, shall be eligible to any office in this state, until they have paid over, according to law, all moneys which they may have collected by virtue of their respective offices.

4. There shall be elected in each county three county commissioners, for the purpose of transacting all county business, whose time of service, power, and duties, shall be regulated and defined by law.

5. The governor, secretary, and judges, and all other officers, under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution.

6. The governor of this state shall make use of his private seal, until a state seal shall be provided.

7. The oaths of office herein directed to be taken may be administered by any justice of the peace, until the general assembly shall otherwise direct.

8. Until the first census shall be taken, as directed by this constitution, the county of Madison shall be entitled to one senator and three representatives; the county of St. Clair to one senator and three representatives; the county of Bond to

one senator and one representative; the county of Washington to one senator and one representative; the county of Monroe to one senator and one representative; the county of Randolph to one senator and two representatives; the county of Jackson to one senator and one representative; the counties of Johnson and Franklin to form one senatorial district, and to be entitled to one senator, and each county to one representative; the county of Union to one senator and two representatives; the county of Pope to one senator and two representatives; the county of Gallatin to one senator and three representatives; the county of White to one senator and three representatives; the county of Edwards to one senator and two representatives; and the county of Crawford to one senator and two representatives.

9. The president of the convention shall issue writs of election, directed to the several sheriffs of the several counties, or in case of the absence or disability of any sheriff, then to the deputy sheriff, and in case of the absence or disability of the deputy sheriff, then such writ to be directed to the coroner, requiring them to cause an election to be held for governor, lieutenant governor, representative to the present congress of the United States, and members of the general assembly, and sheriffs and coroners in the respective counties; such election to commence on the third Thursday of September next, and to continue for that and the two succeeding days; and which election shall be conducted in the manner prescribed by the existing election laws of the Illinois territory; and the said governor, lieutenant governor, members of the general assembly, sheriffs, and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time prescribed by this constitution, and until their successor or successors are qualified, and no longer.

10. An auditor of public accounts, an attorney general, and such other officers for the state as may be necessary, may be appointed by the general assembly, whose duties may be regulated by law.

11. It shall be the duty of the general assembly to enact such laws as may be necessary and proper to prevent the practice of duelling.

12. All white male inhabitants above the age of twenty-one years, who shall be actual residents of this state at the signing of this constitution, shall have a right to a vote at the election to be held on the third Thursday, and the two following days, of September next.

13. The seat of government for the state shall be at Kaskaskia, until the general assembly shall otherwise provide. The general assembly, at their first session holden under the authority of this constitution, shall petition the congress of the United States to grant to this state a quantity of land, to consist of

not more than four nor less than one section, or to give to this state the right of pre-emption in the purchase of the said quantity of land. The said land to be situate on the Kaskasia river, and, as near as may be, east of the third principal meridian on said river. Should the prayer of such petition be granted, the general assembly at their next session thereafter, shall provide for the appointment of five commissioners to make the selection of said land so granted; and shall further provide for laying out a town upon the land so selected; which town, so laid out, shall be the seat of government of this state for the term of twenty years. Should, however, the prayer of said petition not be granted, the general assembly shall have power to make such provision for a permanent seat of government as may be necessary, and shall fix the same where they may think best.

14. Any person of thirty years of age, who is a citizen of the United States, and has resided within the limits of this state two years next preceding his election, shall be eligible to the office of lieutenant governor, any thing in the thirteenth section of the third article of this constitution contained, to the contrary notwithstanding.

Done in convention, at Kaskaskia, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States of America the forty-third.

In testimony whereof, we have hereunto subscribed our names.

JESSE B. THOMAS,
President of the Convention.

John Messinger,
James Lemen, jr.
George Fisher,
Elias Kent Kane,
B. Stephenson,
Joseph Borough,
Abraham Prickett,
Michael Jones,
Leonard White,
Adolphus Fred. Hubbard,
Hezekiah West,
Wm. M'Fatridge,
Seth Gard,
Levi Compton,
Willis Hargrave,
Wm. M'Henry,

Caldwell Carnes,
Enoch Moore,
Samuel Omelveny,
Hamlet Ferguson,
Conrad Will,
James Hall, jr.
Joseph Kitchell,
Ed. N. Cullom,
Thomas Kirkpatrick,
Samuel G. Morse,
William Echols,
John Whiteaker,
Andrew Bankson,
Isham Harrison,
Thomas Roberts.

Attest,

WILLIAM C. GREENUP,
Secretary of the Convention.

AN ORDINANCE.

WHEREAS the congress of the United States, in the act entitled "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, passed the 18th of April, 1818," have offered to this convention, for their free acceptance, or rejection, the following propositions, which, if accepted by the convention, are to be obligatory upon the United States, viz:

"1st. That section numbered sixteen, in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state, for the use of the inhabitants of such township, for the use of schools.

"2d. That all salt springs within such state, and the lands, reserved for the use of the same, shall be granted to the said state for the use of the said state, and the same to be used under such terms, and conditions, and regulations, as the legislature of said state shall direct, provided the legislature shall never sell nor lease the same for a longer period than ten years at any one time.

"3d. That five per cent. of the nett proceeds of the land lying within such state, and which shall be sold by congress from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz. Two-fifths to be disbursed under the direction of congress, in making roads leading to the state, the residue to be appropriated by the legislature of the state for the encouragement of learning; of which one-sixth part shall be exclusively bestowed on a college or university.

"4th. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said state, to be appropriated solely to the use of such seminary, by the said legislature."

And whereas the four foregoing propositions are offered on the condition that this convention shall provide, by ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the first day of January, one thousand eight hundred and nineteen: shall remain exempt from any tax laid by order or under the authority of the state, whether for state, county, or township, or any other purpose whatever, for the term of five years, from and after the day of sale. And further, that the bounty lands granted, or hereafter to be granted, for military services,

during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt, as aforesaid, from all taxes, for the term of three years, from and after the date of the patents respectively. And that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein.

Therefore, this convention, on behalf of, and by the authority of the people of the state, do accept of the foregoing propositions; and do further ordain and declare, that every and each tract of land sold by the United States, from and after the first day of January, one thousand eight hundred and nineteen, shall remain exempt from any tax laid by order or under any authority of the state, whether for state, county, or township, or any purpose whatever, for the term of five years from and after the day of sale. And that the bounty lands granted, or hereafter to be granted, for military services, during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt, as aforesaid, from all taxes, for the term of three years from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein. And this convention do further ordain and declare, that the foregoing ordinance shall not be revoked, without the consent of the United States.

Done in Convention, at Kaskaskia, the 26th day of August, in the year of our Lord 1818, and of the independence of the United States of America the forty-third.

JESSE B. THOMAS,
President of the Convention.

Attest, WM. C. GREENUP,
Secretary to the Convention.



CONSTITUTION OF ALABAMA.

WE, the people of the Alabama Territory, having the right of admission into the general government, as a member of the Union, consistent with the constitution and laws of the United States, by our representatives assembled in convention at the town of Huntsville, on Monday the fifth day of July, one thousand eight hundred and nineteen, in pursuance of an act of congress, entitled "an act to enable the people of the Alabama territory to form a constitution and state government, and for

the admission of such state into the Union, on an equal footing with the original states;" in order to establish justice, ensure tranquillity, provide for the common defence, promote the general welfare, and secure to ourselves and our posterity the rights of life, liberty, and property, do ordain and establish the following constitution, or form of government; and do mutually agree with each other to form ourselves into a free and independent state, by the name of "the State of Alabama." And we do hereby recognize, confirm, and establish the boundaries assigned to said state by the act of congress aforesaid, "to wit: beginning at the point where the thirty-first degree of north latitude intersects the Perdido river, thence, east, to the western boundary line of the state of Georgia; thence, along said line, to the southern boundary line of the state of Tennessee; thence, west, along said boundary line, to the Tennessee river; thence up the same, to the mouth of Bear Creek; thence, by a direct line, to the north-west corner of Washington county; thence, due south, to the Gulf of Mexico; thence, eastwardly including all islands within six leagues of the shore, to the Perdido river; and thence, up the same, to the beginning"—subject to such alteration as is provided in the third section of said act of congress, and subject to such enlargement as may be made by law in consequence of any cession of territory by the United States, or either of them.

ARTICLE 1.

Declaration of Rights.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

§ 1. That all freemen, when they form a social compact, are equal in rights; and that no man or set of men are entitled to exclusive, separate public emoluments or privileges, but in consideration of public services.

2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit: and, therefore, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

3. No person within this state shall, upon any pretence, be deprived of the inestimable privilege of worshipping God in the manner most agreeable to his own conscience; nor be compelled to attend any place of worship; nor shall any one ever be obliged to pay any tithes, taxes, or other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry.

4. No human authority ought, in any case whatever, to control or interfere with the rights of conscience.

5. No person shall be hurt, molested, or restrained, in his religious profession, sentiments, or persuasions, provided he does not disturb others in their religious worship.

6. The civil rights, privileges, or capacities of any citizen, shall in no way be diminished, or enlarged, on account of his religious principles.

7. There shall be no establishment of religion by law; no preference shall ever be given by law to any religious sect, society, denomination, or mode of worship: and no religious test shall ever be required as a qualification to any office or public trust under this state.

8. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

9. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

10. In all criminal prosecutions, the accused has a right to be heard by himself and counsel; to demand the nature and cause of the accusation, and have a copy thereof: to be confronted by the witnesses against him: to have compulsory process for obtaining witnesses in his favour; and in all prosecutions, by indictment or information, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed; he shall not be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or property, but by due course of law.

11. No person shall be accused, arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed; and no person shall be punished, but in virtue of a law, established and promulgated prior to the offence, and legally applied.

12. No person shall, for any indictable offence, be proceeded against criminally, by information; except in cases arising in the land and naval forces, or the militia when in actual service, or, by leave of the court, for oppression or misdemeanor in office.

13. No person shall, for the same offence be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use, unless just compensation be made therefor.

14. All courts shall be open, and every person, for an injury done him, in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

15. No power of suspending laws shall be exercised, except by the general assembly, or its authority.

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

17. All persons shall, before conviction, be bailable by sufficient securities, except for capital offences, when the proof is evident, or the presumption great: and the privilege of the writ of "habeas corpus" shall not be suspended, unless when, in cases of rebellion, or invasion, the public safety may require it.

18. The person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

19. No ex post facto law, nor law impairing the obligation of contracts, shall be made.

20. No person shall be attainted of treason or felony by the general assembly. No attainder shall work corruption of blood, nor forfeiture of estate.

21 The estates of suicides shall descend or vest as in cases of natural death; if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

22. The citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

23. Every citizen has a right to bear arms in defence of himself and the state.

24. No standing army shall be kept up without the consent of the general assembly; and, in that case, no appropriation of money for its support shall be for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

25. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

26. No title of nobility, or hereditary distinction, privilege, honour, or emolument, shall ever be granted or conferred in this state; nor shall any office be created, the appointment of which shall be for a longer term than during good behaviour.

27. Emigration from this state shall not be prohibited, nor shall any citizen be exiled.

28. The right of trial by jury shall remain inviolate.

29. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself, before any tribunal in this state, by him or herself or counsel.

30. This enumeratien of certain rights shall not be construed to deny or disparage others retained by the people: and to

guard against any encroachments on the rights herein retained, or any transgression of any of the high powers herein delegated, we declare, that every thing in this article is excepted out of the general powers of government, and shall for ever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE 2.

Distribution of Powers.

§ 1. The powers of the government of the state of Alabama shall be divided into three distinct departments; and each of them confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judicial to another.

2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE 3.

Legislative Department.

§ 1. The legislative power of this state shall be vested in two distinct branches: the one to be styled the senate, the other the house of representatives, and both together "the general assembly of the state of Alabama;" and the style of their laws shall be, "Be it enacted by the senate and house of representatives of the state of Alabama, in general assembly convened."

2. The members of the house of representatives shall be chosen by the qualified electors, and shall serve for the term of one year, from the day of the commencement of the general election, and no longer.

3. The representatives shall be chosen every year, on the first Monday and the day following in August, until otherwise directed by law.

4. No person shall be a representative, unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this state two years next preceding his election, and the last year thereof a resident of the county, city, or town, for which he shall be chosen, and shall have attained the age of twenty-one years.

5. Every white male person of the age of twenty-one years, or upwards, who shall be a citizen of the United States, and shall have resided in this state one year next preceding an election, and the last three months within the county, city, or town, in which he offers to vote, shall be deemed a qualified elector:

provided, that no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this state; and provided, also, that no elector shall be entitled to vote except in the county, city, or town (entitled to separate representation) in which he may reside at the time of the election.

6. Electors shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

7. In all elections by the people, the electors shall vote by ballot, until the general assembly shall otherwise direct.

8. Elections for representatives for the several counties shall be held at the place of holding their respective courts, and at such other places as may be prescribed by law; Provided, that when it shall appear to the general assembly that any city or town shall have a number of white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of white inhabitants therein; which shall be retained so long as such city or town shall contain a number of white inhabitants equal to the ratio which may from time to time be fixed by law; and thereafter, and during the existence of the right of separate representation, in such city or town, elections for the county in which such city or town (entitled to such separate representation) is situated, shall not be held in such city or town; but it is understood and hereby declared, that no city or town shall be entitled to separate representation, unless the number of white inhabitants in the county in which such city or town is situated, residing out of the limits of said city or town, be equal to the existing ratio; or unless the residuum or fraction of such city or town shall, when added to the white inhabitants of the county residing out of the limits of said city or town, be equal to the ratio fixed by law for one representative; and provided, that, if the residuum or fraction of any city or town, entitled to separate representation, shall, when added to the residuum of the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city, or town, having the largest residuum, shall be entitled to such representation: and provided, also, that when there are two or more counties adjoining, which have residuums or fractions over and above the ratio then fixed by law, if said residuums or fractions, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

9. The general assembly shall, at their first meeting and in the years one thousand eight hundred and twenty, one thousand eight hundred and twenty-three, one thousand eight hundred and twenty-six, and every six years thereafter, cause an

enumeration to be made of all the inhabitants of the state, and the whole number of the representatives shall, at the first session held, after making every such enumeration, be fixed by the general assembly, and apportioned among the several counties, cities, or towns, entitled to separate representation, according to their respective numbers of white inhabitants; and the said apportionment, when made, shall not be subject to alteration, until after the next census shall be taken. The house of representatives shall not consist of less than forty-four nor more than sixty members, until the number of white inhabitants shall be one hundred thousand, and after that event, the whole number of representatives shall never be less than sixty, nor more than one hundred: Provided, however, that each county shall be entitled to at least one representative.

10. The general assembly shall, at the first session after making every such enumeration, fix by law the whole number of senators, and shall divide the state into the same number of districts, as nearly equal in the number of white inhabitants as may be, each of which districts shall be entitled to one senator and no more; Provided, that the whole number of senators shall never be less than one-fourth, nor more than one-third, of the whole number of representatives.

11. When a senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a district.

12. Senators shall be chosen by the qualified electors, for the term of three years, at the same time, in the same manner, and at the same places, where they may vote for members of the house of representatives; and no person shall be a senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this state two years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained to the age of twenty-seven years.

13. The senators chosen according to the apportionment under the census ordered to be taken in one thousand eight hundred and twenty-six, when convened, shall be divided by lot into three classes, as nearly equal as may be. The seats of the senators of the first class shall be vacated at the expiration of the first year, those of the second class at the expiration of the second year, and those of the third class at the expiration of the third year, so that one-third may be annually chosen thereafter, and a rotation thereby kept up perpetually. Such mode of classifying new additional senators shall be observed as will, as nearly as possible, preserve an equality of members in each class.

14. The house of representatives, when assembled, shall

choose a speaker, and its other officers; and the senate shall, annually, choose a president, and its other officers; each house shall judge of the qualifications, elections, and returns, of its own members: but a contested election shall be determined in such manner as shall be directed by law.

15. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each house may provide.

16. Each house may determine the rules of its own proceedings, punish members for disorderly behaviour, and, with the consent of two-thirds, expel a member; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state.

17. Each house, during the session, may punish by imprisonment, any person, not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings: Provided, that such imprisonment shall not, at any one time, exceed forty-eight hours.

18. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals. And any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journals.

19. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; allowing one day for every twenty miles such member may reside from the place at which the general assembly is convened; nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere.

20. When vacancies happen in either house, the governor, or the person exercising the powers of the governor, shall issue writs of election to fill such vacancies.

21. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

23. Bills may originate in either house, and be amended, altered, or rejected, by the other; but no bill shall have the

force of a law until on three several days it be read in each house, and free discussion be allowed thereon, unless, in cases of urgency, four-fifths of the house in which the bill shall be depending may deem it expedient to dispense with this rule: and every bill, having passed both houses, shall be signed by the speaker and president of their respective houses; provided, that all bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject them as other bills.

24. Each member of the general assembly shall receive from the public treasury such compensation for his services as may be fixed by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

25. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people.

26. No person holding any lucrative office under the United States, (the office of post-master excepted,) this state, or any other power, shall be eligible to the general assembly; provided, that offices in the militia to which there is attached no annual salary, or the office of justice of the peace, or that of the quorum or county court, while it has no salary, shall not be deemed lucrative.

27. No person who may hereafter be a collector or holder of public moneys shall have a seat in either house of the general assembly, or be eligible to any office of trust or profit under this state, until he shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

28. The first election for senators and representatives shall be general throughout the state; and shall be held on the third Monday and Tuesday in September next.

29. The first session of the general assembly shall commence on the fourth Monday in October next, and be held at the town of Huntsville, and all subsequent sessions at the town of Cahawba, until the end of the first session of the general assembly to be held in the year one thousand eight hundred and twenty-five; during that session the general assembly shall have power to designate by law (to which the executive concurrence shall not be required) the permanent seat of government, which shall not thereafter be changed; Provided, however, that unless such designation be then made by law, the government shall continue permanently at the town of Cahawba; and provided, also, that the general assembly shall make no appropriations previous to the year one thousand eight hundred and twenty-

five, for the building of any other state house than that now provided for by law.

ARTICLE 4.

Executive Department.

§ 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Alabama.

2. The governor shall be elected by the qualified electors at the time and places when they shall respectively vote for representatives.

3. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish them in presence of both houses of the general assembly. The person having the highest number of votes shall be governor, but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of both houses. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

4. The governor shall hold his office for the term of two years from the time of his installation, and until his successor shall be duly qualified, but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a native citizen of the United States, and shall have resided in this state at least four years next preceding the day of his election.

5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

6. He shall be commander-in-chief of the army and navy of this state, and of the militia thereof, except when they shall be called into the service of the United States. And when acting in the service of the United States, the general assembly shall fix his rank.

7. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

8. He may, by proclamation, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; in case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting of the general assembly.

9. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

10. He shall take care that the laws be faithfully executed.

11. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power, by and with the advice and consent of the senate, to grant reprieves and pardons; and he may, in the recess of the senate, respite the sentence until the end of the next session of the general assembly.

12. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and the present seal of the territory shall be the seal of the state, until otherwise directed by the general assembly.

13. All commissions shall be in the name, and by the authority of the state of Alabama, be sealed with the state seal, signed by the governor, and attested by the secretary of state.

14. There shall be a secretary of state, appointed by joint vote of both houses of the general assembly, who shall continue in office during the term of two years. He shall keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the general assembly; and shall perform such other duties as may be required of him by law.

15. Vacancies that may happen in offices, the appointment to which is vested in the general assembly, shall be filled by the governor, during the recess of the general assembly, by granting commissions which shall expire at the end of the next session.

16. Every bill which shall have passed both houses of the general assembly, shall be presented to the governor: if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered; if approved by a majority of the whole number elected to that house, it shall become a law: but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journals of each house respectively: if any bill shall not be returned by the governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return, in which case it shall not be law.

17. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be

repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

18. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the president of the senate shall exercise all the power and authority appertaining to the office of governor, until the time pointed out by this constitution for the election of governor shall arrive, unless the general assembly shall provide by law for the election of a governor to fill such vacancy, or until the governor absent or impeached shall return or be acquitted.

19. If, during the vacancy of the office of governor, the president of the senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the house of representatives shall in like manner administer the government.

20. The president of the senate and speaker of the house of representatives, during the time they respectively administer the government, shall receive the same compensation which the governor would have received, had he been employed in the duties of his office.

21. The governor shall always reside, during the session of the general assembly, at the place where their session may be held, and at all other times, wherever, in their opinion, public good may require.

22. No person shall hold the office of governor, and any other office or commission, civil or military, either in this state, or under any state or the United States, or any other power, at one and the same time.

23. A state treasurer and a comptroller of public accounts shall be annually elected, by joint vote of both houses of the general assembly.

24. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for the term of three years, unless sooner removed, and who shall not be eligible to serve either as principal or deputy for the three succeeding years. Should a vacancy occur subsequent to an election, it shall be filled by the governor, as in other cases, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors, and the sheriff then elected shall continue in office for three years.

Militia.

§ 1. The general assembly shall provide by law for the organizing and disciplining the militia of this state, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

3. The governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions.

4. All officers of the militia shall be elected or appointed in such manner as may be prescribed by law: Provided, that the general assembly shall not make any such elections or appointments, other than those of adjutants general, and quarter masters general.

5. The governor shall appoint his aids-de-camp; majors general, their aids-de-camp, and all other division staff-officers; brigadiers general shall appoint their aids, and all other brigade staff officers; and colonels shall appoint their regimental staff officers.

6. The general assembly shall fix by law the method of dividing the militia into divisions, brigades, regiments, battalions, and companies: and shall fix the rank of all staff officers.

ARTICLE 5.

Judicial Department.

§ 1. The judicial power of this state shall be vested in one supreme court, circuit courts to be held in each county in the state, and such inferior courts of law and equity, to consist of not more than five members, as the general assembly may, from time to time, direct, ordain, and establish.

2. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law; Provided, that the supreme court shall have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

3. Until the general assembly shall otherwise prescribe, the powers of the supreme court shall be vested in, and its duties shall be performed by, the judges of the several circuit courts within this state: and they, or a majority of them, shall hold such sessions of the supreme court, and at such times, as may be directed by law: Provided, that no judge of the supreme court shall be appointed before the commencement of the first session of the general assembly which shall be begun and held after the first day of January in the year one thousand eight hundred and twenty-five.

4. The supreme court shall be holden at the seat of government, but may adjourn to a different place, if that shall have become dangerous from an enemy or from disease.

5. The state shall be divided into convenient circuits, and each circuit shall contain not less than three, nor more than six counties: and for each circuit there shall be appointed a judge, who

shall, after his appointment, reside in the circuit for which he may be appointed.

6. The circuit court shall have original jurisdiction in all matters, civil and criminal, within this state, not otherwise excepted in this constitution; but in civil cases, only when the matter or sum in controversy exceeds fifty dollars.

7. A circuit court shall be held in each county in the state, at least twice in every year, and the judges of the several circuit courts may hold courts for each other, when they may deem it expedient, and shall do so when directed by law.

8. The general assembly shall have power to establish a court or courts of chancery, with original and appellate equity jurisdiction; and until the establishment of such court or courts, the said jurisdiction shall be vested in the judges of the circuit courts respectively: Provided, that the judges of the several circuit courts shall have power to issue writs of injunction, returnable into the courts of chancery.

9. The general assembly shall have power to establish, in each county within this state, a court of probate, for the granting of letters testamentary and of administration, and for orphans' business.

10. A competent number of justices of the peace shall be appointed in and for each county, in such mode, and for such term of office, as the general assembly may direct. Their jurisdiction in civil cases shall be limited to causes in which the amount in controversy shall not exceed fifty dollars. And in all cases, tried by a justice of the peace, right of appeal shall be secured, under such rules and regulations as may be prescribed by law.

11. Judges of the supreme and circuit courts, and courts of chancery, shall, at stated times, receive for their services a compensation, which shall be fixed by law, and shall not be diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this state, the United States, or any other power.

12. Chancellors, judges of the supreme court, judges of the circuit courts, and judges of the inferior courts, shall be elected by joint vote of both houses of the general assembly.

13. The judges of the several courts in this state shall hold their offices during good behaviour; and for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of two-thirds of each house of the general assembly; provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each house; and provided further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays and entered on

the journals of each house respectively; and provided also, that the judges of the several circuit courts who shall be appointed before the commencement of the first session of the general assembly which shall be begun and held after the first day of January in the year of our Lord one thousand eight hundred and twenty-five, shall only hold their offices during good behaviour, until the end of the said session, at which time their commissions shall expire.

14. No person who shall have arrived at the age of seventy years shall be appointed to, or continue in the office of judge in this state.

15. Clerks of the circuit and inferior courts in this state shall be elected by the qualified electors in each county, for the term of four years, and may be removed from office for such cause, and in such manner as may be prescribed by law; and should a vacancy occur, subsequent to an election, it shall be filled by the judge or judges of the courts in which such vacancy exists; and the person so appointed shall hold his office until the next general election; provided, however, that after the year one thousand eight hundred and twenty-six, the general assembly may prescribe a different mode of appointment, but shall not make such appointment.

16. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state; as also the judges of the circuit courts in their respective districts, and judges of the inferior courts in their respective counties.

17. The style of all process shall be "the state of Alabama," and all prosecutions shall be carried on in the name, and by the authority of the state of Alabama, and shall conclude "against the peace and dignity of the same."

18. There shall be an attorney general for the state, and as many solicitors as the general assembly may deem necessary, to be elected by a joint vote thereof, who shall hold their offices for the term of four years, and shall receive for their services a compensation, which shall not be diminished during their continuance in office.

Impeachments.

§ 1. The house of representatives shall have the sole power of impeaching.

2. All impeachments shall be tried by the senate: when sitting for that purpose, the senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present.

3. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and to disqualification to hold any office of honour, trust, or profit, under the state; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment, according to law.

ARTICLE 6.

General Provisions.

§ 1. The members of the general assembly, and all officers, executive and judicial, before they enter on the execution of their respective offices, shall take the following oath or affirmation, to wit: "I solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and constitution of the state of Alabama, so long as I continue a citizen thereof, and that I will faithfully discharge, to the best of my abilities, the duties of ———, according to law: so help me God."

2. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

3. The general assembly shall have power to pass such penal laws to suppress the evil practice of duelling, extending to disqualification from office or the tenure thereof, as they may deem expedient.

4. Every person shall be disqualified from holding any office or place of honour or profit, under the authority of the state, who shall be convicted of having given or offered any bribe to procure his election or appointment.

5. Laws shall be made to exclude from office, from suffrage, and from serving as jurors, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper conduct.

6. In all elections by the general assembly, the members thereof shall vote *viva voce*, and the votes shall be entered on the journals.

7. No money shall be drawn from the treasury, but in consequence of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually.

8. All lands liable to taxation in this state, shall be taxed in proportion to their value.

9. The general assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the state.

10. It shall be the duty of the general assembly to regulate, by law, the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacities, and the amount of such deduction.

11. Absence on business of this state, or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

12. No member of congress, nor any person holding any office

of profit or trust under the United States, (the office of postmaster excepted,) or either of them, or any foreign power, shall hold or exercise any office of profit under this state.

13. Divorces from the bonds of matrimony shall not be granted but in cases provided for by law, by suit in chancery: and no decree for such divorce shall have effect until the same shall be sanctioned by two-thirds of both houses of the general assembly.

14. In prosecutions for the publishing of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the courts.

15. Returns of all elections for officers who are to be commissioned by the governor, and for members of the general assembly, shall be made to the secretary of state.

16. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less content than nine hundred square miles; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

17. The general assembly shall, at their first session, which may be holden in the year eighteen hundred and twenty-eight, or at the next succeeding session, arrange and designate boundaries for the several counties within the limits of this state, to which the Indian title shall have been extinguished, in such manner as they may deem expedient, which boundaries shall not be afterwards altered, unless by the agreement of two-thirds of both branches of the general assembly; and, in all cases of ceded territory acquired by the state, the general assembly may make such arrangements and designations of the boundaries of counties within such ceded territory, as they may deem expedient, which shall only be altered in like manner: provided, that no county hereafter to be formed, shall be of less extent than nine hundred square miles.

18. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that summary mode of adjustment.

19. It shall be the duty of the general assembly, as soon as circumstances will permit, to form a penal code, founded on principles of reformation, and not of vindictive justice.

20. Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested, and arranged, under proper heads, and promulgated in such manner as the general assembly may direct: and a like revision,

digest, and promulgation shall be made within every subsequent period of ten years.

21. The general assembly shall make provision by law for obtaining correct knowledge of the several objects proper for improvement in relation to the navigable waters, and to the roads in this state, and for making a systematic and economical application of the means appropriated to those objects.

22. In the event of the annexation of any foreign territory to this state, by a cession from the United States, laws may be passed, extending to the inhabitants of such territory all the rights and privileges which may be required by the terms of such cession; any thing in this constitution to the contrary notwithstanding.

Education.

Schools, and the means of education, shall for ever be encouraged in this state; and the general assembly shall take measures to preserve, from unnecessary waste or damage, such lands as are or hereafter may be granted by the United States for the use of schools within each township in this state, and apply the funds, which may be raised from such lands, in strict conformity to the object of such grant. The general assembly shall take like measures for the improvement of such lands as have been or may be hereafter granted by the United States to this state, for the support of a seminary of learning, and the moneys which may be raised from such lands, by rent, lease, or sale, or from any other quarter, for the purpose aforesaid, shall be and remain a fund for the exclusive support of a state university, for the promotion of the arts, literature, and the sciences; and it shall be the duty of the general assembly, as early as may be, to provide effectual means for the improvement and permanent security of the funds and endowments of such institution.

Establishment of Banks.

§ 1. One state bank may be established, with such number of branches as the general assembly may, from time to time, deem expedient: Provided, that no branch bank shall be established, nor bank charter renewed, under the authority of this state, without the concurrence of two-thirds of both houses of the general assembly; and provided, also, that not more than one bank nor branch bank shall be established, nor bank charter renewed, at any one session of the general assembly; nor shall any bank or branch bank be established, or bank charter renewed, but in conformity with the following rules:

1. At least two-fifths of the capital stock shall be reserved for the state.

2. A proportion of power in the direction of the bank shall be reserved to the state, equal at least to its proportion of stock therein.

3. The state, and the individual stockholders, shall be liable

respectively, for the debts of the bank, in proportion to their stock holden therein.

4. The remedy for collecting debts shall be reciprocal, for and against the bank.

5. No bank shall commence operations until half of the capital stock subscribed for be actually paid in gold or silver, which amount shall, in no case, be less than one hundred thousand dollars.

6. In case any bank or branch bank shall neglect or refuse to pay, on demand, any bill, note, or obligation, issued by the corporation, according to the promise therein expressed, the holder of any such note, bill, or obligation, shall be entitled to receive and recover interest thereon, until the same shall be paid, or specie payments are resumed, by said bank, at the rate of twelve per cent. per annum from the date of such demand, unless the general assembly shall sanction such suspension of specie payments; and the general assembly shall have power, after such neglect or refusal, to adopt such measures as they may deem proper, to protect and secure the rights of all concerned: and to declare the charter of such bank forfeited.

7. After the establishment of a general state bank, the banks of this state now existing may be admitted as branches thereof, upon such terms as the legislature and the said banks may agree, subject, nevertheless to the preceding rules.

Slaves.

§ 1. The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this state: Provided, that such person or slave be the *bona fide* property of such emigrants; and provided, also, that laws may be passed to prohibit the introduction into this state of slaves, who have committed high crimes in other states or territories. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to prevent slaves from being brought into this state as merchandise, and also to oblige the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them extending to life or limb, and, in case of their neglect, or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

2. In the prosecution of slaves for crimes, of higher grade than

petit larceny, the general assembly shall have no power to deprive them of an impartial trial by a petit jury.

3. Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof; except in case of insurrection of such slave.

Mode of amending and revising the Constitution.

The general assembly, whenever two-thirds of each house shall deem it necessary, may propose amendments to this constitution; which proposed amendments shall be duly published in print, at least three months before the next general election of representatives, for the consideration of the people, and it shall be the duty of the several returning officers, at the next general election which shall be held for representatives, to open a poll for, and make a return to the secretary of state for the time being, of the names of all those voting for representatives, who have voted on such proposed amendments; and if thereupon it shall appear that a majority of all the citizens of this state, voting for representatives, have voted in favour of such proposed amendments; and two-thirds of each house of the next general assembly shall, after such an election, and before another, ratify the same amendments by yeas and nays, they shall be valid, to all intents and purposes, as parts of this constitution: Provided, that the said proposed amendments shall, at each of the said sessions, have been read three times, on three several days, in each house.

SCHEDULE.

§ 1. That no inconvenience may arise from a change of territorial to a permanent state government, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place: and all process which shall, before the third Monday in September next, be issued in the name of the Alabama territory, shall be as valid as if issued in the name of the state.

2. All fines, penalties, forfeitures, and escheats accruing to the Alabama territory, shall accrue to the use of the state.

3. The validity of all bonds and recognizances, executed to the governor of the Alabama territory, shall not be impaired by the change of government, but may be sued for and recovered in the name of the governor of the state of Alabama and his successors in office: and all criminal or penal actions arising or now depending within the limits of this state, shall be prosecuted to judgment and execution in the name of said state; all causes of action arising to individuals, and all suits at law or in equity, now depending in the several courts within the limits of this state, and not already barred by law, may be commenced in, or transferred to, such courts as may have jurisdiction thereof.

4. All officers, civil or military, now holding commissions under the authority of the United States, or of the Alabama territory, within this state, shall continue to hold and exercise their respective offices under the authority of this state, until they shall be superseded under the authority of this constitution, and shall receive from the treasury of this state the same compensation which they heretofore received, in proportion to the time they shall be so employed. The governor shall have power to fill vacancies by commissions, to expire so soon as elections or appointments can be made to such offices by authority of this constitution.

5. All laws and parts of laws, now in force in the Alabama territory, which are not repugnant to the provisions of this constitution, shall continue and remain in force as the laws of this state, until they expire by their own limitation, or shall be altered, or repealed by the legislature thereof.

6. Every white male person above the age of twenty-one years, who shall be a citizen of the United States, and resident in this state at the time of the adoption of this constitution, shall be deemed a qualified elector at the first election to be holden in this state. And every white male person who shall reside within the limits of this state at the time of the adoption of this constitution, and shall be otherwise qualified, shall be entitled to hold any office or place of honour, trust, or profit, under this state; any thing in this constitution to the contrary notwithstanding.

7. The president of this convention shall issue writs of election, directed to the sheriffs of the several counties, requiring them to cause an election to be held for a governor, representative to the Congress of the United States, members of the general assembly, clerks of the several courts, and sheriffs of the respective counties, at the respective places of election in said counties, on the third Monday and the day following in September next, which elections shall be conducted in the manner prescribed by the existing election laws of the Alabama territory; and the said governor and members of the general assembly, then duly elected, shall continue to discharge the duties of their respective offices, for the time prescribed by this constitution, and until their successors shall be duly qualified.

8. Until the first enumeration shall be made, as directed by this constitution, the county of Autauga shall be entitled to two representatives; the county of Baldwin to one representative; the county of Blount to three representatives; the county of Cahawba to one representative; the county of Clark to two representatives; the county of Conecuh to two representatives; the county of Cotaco to two representatives; the county of Dallas to two representatives; the county of Franklin to two representatives; the county of Lauderdale to two representatives; the county of Lawrence to two representatives; the county of Limestone to three

representatives; the county of Madison to eight representatives; the county of Marengo to one representative; the county of Marion to one representative; the county of Monroe to five representatives; the county of Montgomery to three representatives; the county of Mobile to one representative; the county of St. Clair to one representative; the county of Shelby to two representatives; the county of Tuscaloosa to three representatives; and the county of Washington to two representatives. And each county shall be entitled to one senator, who shall serve for one term.

9. The oaths of office herein directed to be taken, may be administered by any justice of the peace, until the general assembly shall otherwise direct.

ORDINANCE.

This convention, for and in behalf of the people inhabiting this state, do accept the proposition offered by the act of congress under which they are assembled; and this convention, for and in behalf of the people inhabiting this state, do ordain, agree, and declare, that they for ever disclaim all right and title to the waste or unappropriated lands lying within this state; and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land, sold by the United States after the first day of September next, shall be and remain exempt from any tax laid by the order or under the authority of this state, whether for state, county, township, parish, or any other purpose whatsoever, for the term of five years from and after the respective days of sale thereof; and that the lands belonging to the citizens of the United States, residing out of the limits of this state, shall never be taxed higher than the lands belonging to persons residing therein; and that no tax shall be imposed on lands the property of the United States; and that all navigable waters within this state shall for ever remain public highways, free to the citizens of this state and of the United States without any tax, duty, impost, or toll therefor, imposed, by this state: and this ordinance is hereby declared irrevocable without the consent of the United States.

Done in convention, at Huntsville, this second day of August, in the year of our Lord one thousand eight hundred and nineteen, and of American Independence the forty-fourth.

J. W. WALKER,
President of the Convention.

Attest,
John Campbell, *Secretary.*

CONSTITUTION OF MISSOURI.

We, the people of Missouri, inhabiting the limits hereinafter designated, by our representatives in convention assembled, at St. Louis, on Monday, the 12th day of June, 1820, do mutually agree to form and establish a free and independent republic, by the name of the "State of Missouri," and for the government thereof do ordain and establish this constitution.

ARTICLE 1.

Of Boundaries.

We do declare, establish, ratify, and confirm, the following as the permanent boundaries of said state, that is to say, "Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence, west, along the said parallel of latitude, to St. Francois river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes: thence, west, along the same to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river: where the same empties into the Missouri river; thence, from the point aforesaid, north along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line correspond with the Indian boundary line; thence, east, from the point of intersection last aforesaid, along the said parallel of latitude to the middle of the channel of the main fork of the said river Des Moines, thence, down and along the middle of the main channel of the said river Des Moines to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence, down, and following the course of Mississippi river, in the middle of the main channel thereof, to the place of beginning."

ARTICLE 2.

Of the Distribution of Powers.

The powers of government shall be divided into three distinct departments; each of which shall be confided to a separate magistracy: and no person charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE 3.

Of the Legislative Power.

§ 1. The legislative power shall be vested in a "general assembly which shall consist of a "senate," and of a "house of entatives."

2. The house of representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties. Each county shall have at least one representative; but the whole number of representatives shall never exceed one hundred.

3. No person shall be a member of the house of representatives who shall not have attained to the age of twenty-four years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this state two years, and of the county which he represents one year next before his election, if such county shall have been so long established, but if not, then of the county or counties from which the same shall have been taken; and who shall not, moreover, have paid a state or county tax.

4. The general assembly, at their first session, and in the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-four, respectively, and every fourth year thereafter, shall cause an enumeration of the inhabitants of this state to be made; and at the first session after such enumeration, shall apportion the number of representatives among the several counties, according to the number of free white male inhabitants therein.

5. The senators shall be chosen by the qualified electors, for the term of four years. No person shall be a senator who shall not have attained to the age of thirty years: who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this state four years; and of the district which he may be chosen to represent one year next before his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken; and who shall not, moreover have paid a state or county tax.

6. The senate shall consist of not less than fourteen nor more than thirty-three members; for the election of whom the state shall be divided into convenient districts, which may be altered from time to time, and new districts established, as public convenience may require, and the senators shall be apportioned among the several districts according to the number of free white male inhabitants in each: Provided that, when a senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

7. At the first session of the general assembly, the senators shall be divided by lot, as equally as may be into two classes. The seats of the first class shall be vacated at the end of the second year, and the seats of the second class at the end of the fourth year; so that one-half of the senators shall be chosen every second year.

8. After the first day of January, one thousand eight hundred and twenty-two, all general elections shall commence on the first Monday in August, and shall be held biennially: and the electors, in all cases, except of treason, felony, or breach of the peace, shall be privileged from arrest during their continuance at elections, and in going to, and returning from the same.

9. The governor shall issue writs of election, to fill such vacancies as may occur in either house of the general assembly.

10. Every free white male citizen of the United States, who shall have attained to the age of twenty-one years, and who shall have resided in this state one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective offices: Provided, that no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this state.

11. No judge of any court of law or equity, secretary of state, attorney general, state auditor, state or county treasurer, register, or recorder, clerk of any court of record, sheriff, coroner, member of congress, nor other person holding any lucrative office under the United States, or this state, militia officers, justices of the peace and postmasters excepted, shall be eligible to either house of the general assembly.

12. No person who now is, or hereafter may be a collector or holder of public money, nor any assistant or deputy of such collector or holder of public money, shall be eligible to either house of the general assembly, nor to any office of profit or trust until he shall have accounted for and paid all sums for which he may be accountable.

13. No person, while he continues to exercise the functions of a bishop, priest, clergyman, or teacher of any religious persuasion, denomination, society, or sect, whatsoever, shall be eligible to either house of the general assembly; nor shall he be appointed to any office of profit within the state, the office of justice of the peace excepted.

14. The general assembly shall have power to exclude from every office of honour, trust, or profit within the state, and from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime.

15. Every person who shall be convicted of having, directly or indirectly, given or offered any bribe to procure his election or appointment, shall be disqualified for any office of honour, trust, or profit, under this state; and any person who shall give or offer any bribe to procure the election or appointment of any person, shall, on conviction thereof, be disqualified for an elector, or for any office of honour, trust, or profit, under this state: for ten years after such conviction.

16. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office

under this state, which shall have been created, or the emoluments of which shall have been increased, during his continuance in office, except to such offices as shall be filled by elections of the people.

17. Each house shall appoint its own officers, and shall judge of the qualifications, elections, and returns of its own members. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each house may provide.

18. Each house may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same cause. They shall each, from time to time, publish a journal of their proceedings, except such parts as may, in their opinion, require secrecy; and the yeas and nays on any question shall be entered on the journal, at the desire of any two members.

19. The doors of each house, and of committees of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine or imprisonment, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence, during their session: Provided, that such fine shall not exceed three hundred dollars, and such imprisonment shall not exceed forty-eight hours for one offence.

20. Neither house shall, without the consent of the other, adjourn for more than two days, at any one time, nor to any other place than to that in which the two houses may be sitting.

21. Bills may originate in either house, and may be altered, amended, or rejected, by the other; and every bill shall be read on three different days, in each house, unless two-thirds of the house where the same is depending shall dispense with this rule; and every bill having passed both houses, shall be signed by the speaker of the house of representatives and by the president of the senate.

22. When any officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the general assembly, the votes shall be publicly given, *viva voce*, and entered on the journals. The whole list of members shall be called, and the names of absentees shall be noted and published with the journal.

23. Senators and representatives shall, in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and for fifteen days next before the commencement, and after the termination of each session; and for any speech or debate in either house, they shall not be questioned in any other place.

24. The members of the general assembly shall severally re-

ceive from the public treasury a compensation for their services, which may, from time to time, be increased or diminished by law; but no alteration, increasing or tending to increase the compensation of members, shall take effect during the session at which such alteration shall be made.

25. The general assembly shall direct by law in what manner, and in what courts, suits may be brought against the state.

26. The general assembly shall not have power to pass laws:

1. For the emancipation of slaves without the consent of their owners; or without paying them, before such emancipation, a full equivalent for such slaves so emancipated; and,

2. To prevent *bona fide* emigrants to this state, or actual settlers therein, from bringing from any of the United States, or from any of their territories, such persons as may there be deemed to be slaves, so long as any persons of the same description are allowed to be held as slaves by the laws of this state.

They shall have power to pass laws,

1. To prohibit the introduction into this state of any slaves who may have committed any high crime in any other state or territory.

2. To prohibit the introduction of any slave for the purpose of speculation, or as an article of trade or merchandise.

3. To prohibitt he introduction of any slave or the offspring of any slave, who heretofore may have been, or who hereafter may be imported from any foreign country into the United States, or any territory thereof, in contravention of any existing statute of the United States; and,

4. To permit the owners of slaves to emancipate them, saving the right of creditors, where the persons so emancipating will give security that the slave so emancipated shall not become a public charge.

It shall be their duty, as soon as may be, to pass such laws as may be necessary,

1. To prevent free negroes and mulattoes from coming to, and settling in this state, under any pretext whatsoever; and,

2. To oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them extending to life or limb.

27. In prosecutions for crimes, slaves shall not be deprived of an impartial trial by jury, and a slave convicted of a capital offence shall suffer the same degree of punishment, and no other, that would be inflicted on a white person for a like offence; and courts of justice, before whom slaves shall be tried, shall assign them counsel for their defence.

28. Any person who shall maliciously deprive of life, or dismember a slave, shall suffer such punishment as would be inflicted for the like offence if it were committed on a free white person.

29. The governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, and all judges of the courts of law and equity, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend

further than removal from office, and disqualification to hold any office of honour, trust, or profit, under this state. The party impeached, whether convicted or acquitted, shall, nevertheless, be liable to be indicted, tried, and punished, according to law.

30. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate; and, when sitting for that purpose, the senators shall be on oath or affirmation to do justice according to law and evidence. When the governor shall be tried, the presiding judge of the supreme court shall preside; and no person shall be convicted without the concurrence of two-thirds of all the senators present.

31. A state treasurer shall be biennially appointed by joint vote of the two houses of the general assembly, who shall keep his office at the seat of government. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

32. The appointment of all officers, not otherwise directed by this constitution, shall be made in such manner as may be prescribed by law; and all officers both civil and military, under the authority of this state, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the constitution of the United States, and of this state, and to demean themselves faithfully in office.

33. The general assembly shall meet on the third Monday in September next; on the first Monday in November, eighteen hundred and twenty-one; on the first Monday in November, eighteen hundred and twenty-two, and thereafter the general assembly shall meet once in every two years, and such meeting shall be on the first Monday in November, unless a different day shall be appointed by law.

34. No county now established by law shall ever be reduced, by the establishment of new counties, to less than twenty miles square; nor shall any county hereafter be established, which shall contain less than four hundred square miles.

35. Within five years after the adoption of this constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested, and promulgated, in such manner as the general assembly shall direct, and a like revision, digest, and promulgation, shall be made at the expiration of every subsequent period of ten years.

36. The style of the laws of this state shall be, "*Be it enacted by the General Assembly of the State af Missouri.*"

ARTICLE 4.

Of the Executive Power.

§ 1. The supreme executive power shall be vested in a chief magistrate, who shall be styled, "The Governor of the State of Missouri."

2. The governor shall be at least thirty-five years of age, and a natural born citizen of the United States, or a citizen at the adoption of the constitution of the United States, or an inhabitant of that part of Louisiana now included in the state of Missouri at the time of the cession thereof from France to the United States, and shall have been a resident of the same at least four years next before his election.

3. The governor shall hold his office for four years, and until a successor be duly appointed and qualified. He shall be elected in the manner following: At the time and place of voting for members of the house of representatives, the qualified electors shall vote for a governor; and when two or more persons have an equal number of votes, and a higher number than any person, the election shall be decided between them by a joint vote of both houses of the general assembly, at their next session.

4. The governor shall be ineligible for the next four years after the expiration of his term of service.

5. The governor shall be commander-in-chief of the militia and navy of this state, except when they shall be called into the service of the United States; but he need not command in person, unless advised so to do by a resolution of the general assembly.

6. The governor shall have power to remit fines and forfeitures; and, except in cases of impeachment, to grant reprieves and pardons.

7. The governor shall, from time to time, give to the general assembly information relative to the state of the government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions, he may convene the general assembly, by proclamation, and shall state to them the purposes for which they are convened.

8. The governor shall take care that the laws be distributed and faithfully executed: and he shall be a conservator of the peace throughout the state.

9. When any office shall become vacant, the governor shall appoint a person to fill such vacancy, who shall continue in office until a successor be duly appointed and qualified according to law.

10. Every bill which shall have been passed by both houses of the general assembly shall, before it becomes a law, be presented to the governor for his approbation. If he approve, he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated, and the house shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall be in like manner reconsidered, and if approved by a majority of all the members elected to

that house, it shall become a law. In all such cases the votes of both houses shall be taken by yeas and nays, the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if the governor had signed it; unless the general assembly, by its adjournment, shall prevent its return, in which case it shall not become a law.

11. Every resolution to which the concurrence of the senate and house of representatives may be necessary, except on cases of adjournment, shall be presented to the governor, and before the same shall take effect shall be proceeded upon in the same manner as in the case of a bill.

12. There shall be an auditor of public accounts, whom the governor, by and with the advice and consent of the senate, shall appoint. He shall continue in office four years, and shall perform such duties as may be prescribed by law. His office shall be kept at the seat of government.

13. The governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall neither be increased nor diminished during his continuance in office, and which shall never be less than two thousand dollars annually.

14. There shall be a lieutenant governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications as the governor. The electors shall distinguish for whom they vote as governor, and for whom as lieutenant governor.

15. The lieutenant governor shall, by virtue of his office, be president of the senate. In committee of the whole he may debate on all questions; and when there is an equal division, he shall give the casting vote in senate, and also in joint votes of both houses.

16. When the office of governor shall become vacant, by death, resignation, absence from the state, removal from office, refusal to qualify, impeachment, or otherwise, the lieutenant governor, or, in case of like disability on his part, the president of the senate *pro tempore*, or, if there be no president of the senate *pro tempore*, the speaker of the house of representatives shall possess all the powers, and discharge all the duties, of governor, and shall receive for his services the like compensation, until such vacancy be filled, or the governor, so absent or impeached, shall return or be acquitted.

17. Whenever the office of governor shall become vacant, by death, resignation, removal from office, or otherwise, the lieutenant governor, or other person exercising the powers of governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months previous notice thereof; and the person elected, shall not thereby be ren-

dered ineligible to the office of governor for the next succeeding term. Nevertheless, if such vacancy shall happen within eighteen months of the end of the term for which the late governor shall have been elected, the same shall not be filled.

18. The lieutenant governor, or president of the senate, *pro tempore*, while presiding in the senate, shall receive the same compensation as shall be allowed to the speaker of the house of representatives.

19. The returns of all elections of governor and lieutenant governor shall be made to the secretary of state, in such manner as may be prescribed by law.

20. Contested elections of governor and lieutenant governor, shall be decided by joint vote of both houses of the general assembly, in such manner as may be prescribed by law.

21. There shall be a secretary of state, whom the governor, by and with the advice and consent of the senate, shall appoint. He shall hold his office four years, unless sooner removed on impeachment. He shall keep a register of all the official acts and proceedings of the governor, and when necessary shall attest them; and he shall lay the same, together with all papers relative thereto, before either house of the general assembly, whenever required so to do, and shall perform such other duties as may be enjoined on him by law.

22. The secretary of state shall, as soon as may be, procure a seal of state with such emblems and devices as shall be directed by law, which shall not be subject to change. It shall be called "the great seal of the state of Missouri;" shall be kept by the secretary of state, and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

23. There shall be appointed in each county a sheriff and coroner, who, until the general assembly shall otherwise provide, shall be elected by the qualified electors, at the time and place of electing representatives. They shall serve for two years, and until a successor be duly appointed and qualified, unless sooner removed for misdemeanor in office, and shall be ineligible four years in any term of eight years. The sheriff and coroner shall each give security for the faithful discharge of the duties of his office in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the governor shall appoint a sheriff and coroner therein, who shall each continue in office until the next succeeding general election be, and until a successor shall be duly qualified.

24. When vacancies happen in the office of sheriff or coroner, they shall be filled by appointment of the governor; and the persons so appointed shall continue in office until successors shall be duly qualified, and shall not be thereby rendered ineligible for the next succeeding term.

25. In all elections of sheriff and coroner, when two or more persons have an equal number of votes, and a higher number than

any other person, the circuit courts of the counties respectively, shall give the casting vote; and all contested elections for the said offices shall be decided by the circuit courts respectively, in such manner as the general assembly may by law prescribe.

ARTICLE 5.

Of the Judicial Power.

§ 1. The judicial powers, as to matters of law and equity, shall be vested in a "supreme court," in a "chancellor," in "circuit courts," and in such inferior tribunals as the general assembly may, from time to time, ordain and establish.

2. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, under the restrictions and limitations in this constitution provided.

3. The supreme court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other original remedial writs; and to hear and determine the same.

4. The supreme court shall consist of three judges, any two of whom shall be a quorum, and the said judges shall be conservators of the peace throughout the state.

5. The state shall be divided into convenient districts, not to exceed four; in each of which the supreme court shall hold two sessions annually, at such place as the general assembly shall appoint; and when sitting in either district, it shall exercise jurisdiction over causes originating in that district only: provided, however, that the general assembly may, at any time hereafter, direct by law, that the said court shall be held at one place only.

6. The circuit court shall have jurisdiction over all criminal cases which shall not be otherwise provided for by law; and exclusive original jurisdiction in all civil cases which shall not be cognizable before justices of the peace, until otherwise directed by the general assembly. It shall hold its terms in such place in each county as may be by law directed.

7. The state shall be divided into convenient circuits, for each of which a judge shall be appointed, who after his appointment, shall reside, and be a conservator of the peace, within the circuit for which he shall be appointed.

8. The circuit courts shall exercise a superintending control over all such inferior tribunals as the general assembly may establish, and over justices of the peace in each county in their respective circuits.

9. The jurisdiction of the court of chancery shall be co-extensive with the state, and the times and places of holding its sessions shall be regulated in the same manner as those of the supreme court.

10. The court of chancery shall have original and appellate

jurisdiction in all matters of equity, and a general control over executors, administrators, guardians, and minors, subject to appeal, in all cases, to the supreme court, under such limitations as the general assembly may by law provide.

11. Until the general assembly shall deem it expedient to establish inferior courts of chancery, the circuit courts shall have jurisdiction in matters of equity, subject to appeal to the court of chancery, in such manner, and under such restrictions, as shall be prescribed by law.

12. Inferior tribunals shall be established in each county, for the transaction of all county business; for appointing guardians; for granting letters testamentary, and of administration; and for settling the accounts of executors, administrators, and guardians.

13. The governor shall nominate, and, by and with the advice and consent of the senate, appoint the judges of the superior court, the judges of the circuit courts, and the chancellor, each of whom shall hold his office during good behaviour, and shall receive for his services a compensation, which shall not be diminished during his continuance in office, and which shall not be less than two thousand dollars annually.

14. No person shall be appointed a judge of the supreme court, nor of a circuit court, nor chancellor, before he shall have attained to the age of thirty years; nor shall any person continue to exercise the duties of any of said offices after he shall have attained to the age of sixty-five years.

15. The courts respectively shall appoint their clerks, who shall hold their offices during good behaviour. For any misdemeanor in office, they shall be liable to be tried and removed by the supreme court, in such manner as the general assembly shall by law provide.

16. Any judge of the supreme court or of the circuit court, or the chancellor, may be removed from office on the address of two-thirds of each house of the general assembly to the governor for that purpose; but each house shall state on its respective journal the cause for which it shall wish the removal of such judge or chancellor, and give him notice thereof, and he shall have the right to be heard in his defence in such manner as the general assembly shall by law direct; but no judge nor chancellor shall be removed in this manner for any cause for which he might have been impeached.

17. In each county there shall be appointed as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

18. An attorney general shall be appointed by the governor, by and with the advice and consent of the senate. He shall remain in office four years, and shall perform such duties as shall be required of him by law.

19. All writs and process shall run, and all prosecutions shall

be conducted in the name of the "State of Missouri;" all writs shall be tested by the clerk of the court from which they shall be issued, and all indictments shall conclude, "against the peace and dignity of the state."

ARTICLE 6.

Of Education.

§ 1. Schools and the means of education, shall for ever be encouraged in this state; and the general assembly shall take measures to preserve from waste or damage such lands as have been, or hereafter may be granted by the United States for the use of schools within each township in this state, and shall apply the funds which may arise from such lands in strict conformity to the object of the grant; and one school or more, shall be established in each township as soon as practicable and necessary, where the poor shall be taught gratis.

2. The general assembly shall take measures for the improvement of such lands as have been, or hereafter may be granted by the United States to this state, for the support of a seminary of learning; and the funds accruing from such lands, by rent or lease, or in any other manner, or which may be obtained from any other source, for the purposes aforesaid, shall be and remain a permanent fund to support a university, for the promotion of literature, and of the arts and sciences; and it shall be the duty of the general assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds and endowments of such institution.

ARTICLE 7.

Of Internal Improvement.

Internal improvement shall for ever be encouraged by the government of this state; and it shall be the duty of the general assembly, as soon as may be, to make provision by law for ascertaining the most proper objects of improvement, in relation both to roads and navigable waters; and it shall also be their duty to provide by law for a systematic and economical application of the funds appropriated to these objects.

ARTICLE 8.

Of Banks.

The general assembly may incorporate one banking company, and no more, to be in operation at the same time.

The bank to be incorporated may have any number of branches not to exceed five, to be established by law; and not more than one branch shall be established at any one session of the general assembly. The capital stock of the bank to be incorporated shall never exceed five millions of dollars, at least one-half of which shall be reserved for the use of the state.

ARTICLE 9.

Of the Militia.

§ 1. Field officers and company officers shall be elected by the persons subject to militia duty within their respective command. Brigadiers general shall be elected by the field officers of their respective brigades; and majors general by the brigadiers and field officers of their respective divisions, until otherwise directed by law.

2. General and field officers shall appoint their officers of the staff.

3. The governor shall appoint an adjutant general, and all other militia officers, whose appointments are not otherwise provided for in this constitution.

ARTICLE 10.

Of Miscellaneous Provisions.

1. The general assembly of this state shall never interfere with the primary disposal of the soil of the United States, nor with any regulation congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States, nor shall lands belonging to persons residing out of the limits of this state, ever be taxed higher than the lands belonging to persons residing within this state.

2. The state shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said state, so far as the said river shall form a common boundary to the said state, and any other state or states, now or hereafter to be formed, and bounded by the same, and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this state, shall be common highways, and for ever free, to the citizens of this state and of the United States, without any tax, duty, impost, or toll thereof imposed by the state.

ARTICLE 11.

Of the permanent Seat of Government.

§ 1. The general assembly, at their first session, shall appoint five commissioners for the purpose of selecting a place for the permanent seat of government, whose duty it shall be to select four sections of the land of the United States which shall not have been exposed to public sale.

2. If the commissioners believe the four sections of land, so by them to be selected, be not a suitable and proper situation for the permanent seat of government, they shall select such other place as they deem most proper for that purpose, and report the same to the general assembly, at the time of making their report provided for in the first section of this article: Provided, that no place shall be selected which is not situated on the bank of the

Missouri river, and within forty miles of the mouth of the river Osage.

3. If the general assembly determine that the four sections of land which may be selected by authority of the first section of this article, be a suitable and proper place for the permanent seat of government, the said commissioners shall lay out a town thereon, under the direction of the general assembly; but if the general assembly deem it most expedient to fix the permanent seat of government at the place to be selected by authority of the second section of this article, they shall so determine, and in that event shall authorize the said commissioners to purchase any quantity of land, not exceeding six hundred and forty acres, which may be necessary for the purpose aforesaid; and the place so selected shall be the permanent seat of government of this state from and after the first day of October, one thousand eight hundred and twenty-six.

4. The general assembly, in selecting the above-mentioned commissioners, shall choose one from each extreme part of the state, and one from the centre, and it shall require the concurrence of at least three of the commissioners to decide upon any part of the duties assigned them.

ARTICLE 12.

Mode of amending the Constitution.

The general assembly may at any time propose such amendments to this constitution as two-thirds of each house shall deem expedient; which shall be published in all the newspapers published in this state three several times, at least twelve months before the next general election; and if, at the first session of the general assembly after such general election, two-thirds of each house shall, by yeas and nays, ratify such proposed amendments, they shall be valid, to all intents and purposes, as parts of this constitution: Provided, that such proposed amendments shall be read on three several days, in each house, as well when the same are proposed, as when they are finally ratified.

ARTICLE 13.

Declaration of Rights.

That the general, great, and essential principles of [illegible] and free government may be recognized and established, we declare:

§ 1. That all political power is vested in, and derived from the people.

2. That the people of this state have the inherent, sole, and exclusive right of regulating the internal government and police thereof; and of altering and abolishing their constitution and form of government, whenever it may be necessary to their safety and happiness.

3. That the people have the right peaceably to assemble [illegible] their common good, and to apply to those vested [illegible]

ers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defence of themselves and of the state cannot be questioned.

4. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: that no man can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the gospel or teacher of religion; that no human authority can control or interfere with the rights of conscience; that no person can ever be hurt, molested, or restrained, in his religious profession, or sentiments, if he do not disturb others in their religious worship.

5. That no person, on account of his religious opinions, can be rendered ineligible to any office of trust or profit under this state; that no preference can ever be given by law to any sect or mode of worship; and that no religious corporation can ever be established in this state.

6. That all elections shall be free and equal.

7. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property or character; and that right and justice ought to be administered without sale, denial, or delay; and that no private property ought to be taken or applied to public use without just compensation.

8. That the right of trial by jury shall remain inviolate.

9. That in all criminal prosecutions, the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusations, to have compulsory process for witnesses in his favour; to meet the witnesses against him face to face; and, in prosecutions on presentment or indictment, to a speedy trial, by an impartial jury of the vicinage; that the accused cannot be compelled to give evidence against himself; nor be deprived of life, liberty, or property, but by the judgment of his peers, or the law of the land.

10. That no person, after having been once acquitted by a jury, can, for the same offence, be again put in jeopardy of life or limb; but if in any criminal prosecution the jury be divided in opinion at the end of the term, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of such court.

11. That all persons shall be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* cannot be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

12. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

13. That the people ought to be secure in their persons, papers, houses, and effects, from unreasonable searches and s; and no warrant to search any place, or to seize any per-

son or thing, can issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

14 That no person can, for an indictable offence, be proceeded against criminally, by information; except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

15. That treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court; that no person can be attainted of treason or felony by the general assembly; that no conviction can work corruption of blood, or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there ought to be no forfeiture by reason thereof.

16. That the free communication of thoughts and opinions is one of the invaluable rights of man, and that every person may freely speak, write, and print on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libels, the truth thereof may be given in evidence, and the jury may determine the law and the facts, under the direction of the court.

17. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed; nor can the person of a debtor be imprisoned for debt after he shall have surrendered his property for the benefit of his creditors in such manner as may be prescribed by law.

18. That no person who is religiously scrupulous of bearing arms, can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law, and that no priest, preacher of the gospel, or teacher of any religious persuasion or sect, regularly ordained as such, be subject to militia duty, or compelled to bear arms.

19. That all property, subject to taxation in this state, shall be taxed in proportion to its value.

20. That no title of nobility, hereditary emolument, privilege, or distinction, shall be granted; nor any office created, the duration of which shall be longer than the good behaviour of the officer appointed to fill the same.

21. That emigration from this state cannot be prohibited.

22. That the military is, and in all cases, and at all times, shall be in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of any army be made for a longer period than two years.

SCHEDULE.

§ 1. That no inconvenience may arise from the change of government, we declare, that all writs, actions, prosecutions, judgments, claims, and contracts, of individuals and of bodies corporate, shall continue as if no change had taken place; and all process which may, before the third Monday in September next, be issued under the authority of the territory of Missouri, shall be as valid as if issued in the name of the state.

2. All laws now in force in the territory of Missouri, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the general assembly.

3. All fines, penalties, forfeitures, and escheats, accruing to the territory of Missouri, shall accrue to the use of the state.

4. All recognizances heretofore taken, or which may be taken before the third Monday in September next, shall remain valid, and shall pass over to and may be prosecuted in the name of the state: and all bonds executed to the governor of the territory, or to any other officer or court in his official capacity, shall pass over to the governor, or other proper state authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions, which have arisen, or which may arise before the third Monday in September next, and which shall then be depending, shall be prosecuted to judgment and execution in the name of the state. All actions at law which now are, or which, on the third Monday in September next, may be depending in any of the courts of record in the territory of Missouri, may be commenced in, or transferred to any court of record of the state which shall have jurisdiction of the subject matter thereof; and all suits in equity may, in like manner, be commenced in, or transferred to the court of chancery.

5. All officers, civil and military, now holding commissions under the authority of the United States, or of the territory of Missouri, shall continue to hold and exercise their respective offices, until they shall be superseded under the authority of the state; and all such officers holding commissions under the authority of the territory of Missouri, shall receive the same compensation which they hitherto received, in proportion to the time they shall be so employed.

6. The first meeting of the general assembly shall be at St. Louis, with power to adjourn to any other place; and the general assembly, at the first session thereof, shall fix the seat of government until the first day of October, eighteen hundred and twenty-six; and the first session of the general assembly shall have power to fix the compensation of the members thereof; any thing in this constitution to the contrary notwithstanding.

7. Until the first enumeration shall be made, as directed in

this constitution, the county of Howard shall be entitled to eight representatives, the county of Cooper to four representatives, the county of Montgomery to two representatives, the county of Lincoln to one representative, the county of Pike to two representatives, the county of St. Charles to three representatives, the county of St. Louis to six representatives, the county of Jefferson to one representative, the county of Washington to two representatives, the county of St. Genevieve to four representatives, the county of Cape Girardieu to four representatives, the county of New Madrid to two representatives, the county of Madison to one representative, the county of Wayne to one representative, and that part of the county of St. Lawrence situated within this state, shall attach to, and form part of the county of Wayne until otherwise provided by law, and the sheriff of the county of Wayne shall appoint the judges of the first election, and the place of holding the same, in the part thus attached; and any person who shall have resided within the limits of this state five months previous to the adoption of this constitution, and who shall be otherwise qualified as prescribed in the third section of the third article thereof, shall be eligible to the house of representatives, any thing in this constitution to the contrary notwithstanding.

8. For the first election of senators, the state shall be divided into districts, and the apportionment shall be as follows, that is to say: the counties of Howard and Cooper shall compose one district, and elect four senators, the counties of Montgomery and Franklin shall compose one district, and elect one senator, the county of St. Charles shall compose one district and elect one senator, the counties of Lincoln and Pike shall compose one district and elect one senator, the county of St. Louis shall compose one district and elect two senators, the counties of Washington and Jefferson shall compose one district and elect one senator, the county of St. Genevieve shall compose one district and elect one senator, the counties of Madison and Wayne shall compose one district and elect one senator, the counties of Cape Girardieu and New Madrid shall compose one district and elect two senators; and in all cases where a senatorial district consists of more than one county, it shall be the duty of the clerk of the county second named in that district to certify the returns of the senatorial election within their proper county, to the clerk of the county first named, within five days after he shall have received the same; and any person who shall have resided within the limits of this state five months previous to the adoption of this constitution, and who shall be otherwise qualified as prescribed in the fifth section of the third article thereof, shall be eligible to the senate of this state, any thing in this constitution to the contrary notwithstanding.

9. The president of the convention shall issue writs of election to the sheriffs of the several counties, or in case of vacancy,

to the coroners, requiring them to cause an election to be held on the fourth Monday in August next, for a governor, a lieutenant governor, a representative in the congress of the United States, for the residue of the sixteenth congress, a representative for the seventeenth congress, senators and representatives for the general assembly, sheriffs and coroners, and the returns of all township elections, held in pursuance thereof, shall be made to the clerks of the proper county within five days after the day of election: and any person who shall reside within the limits of this state at the time of the adoption of this constitution, and who shall be otherwise qualified as prescribed in the tenth section of the third article thereof, shall be deemed a qualified elector, any thing in this constitution to the contrary notwithstanding.

10. The elections shall be conducted according to the existing laws of the Missouri territory. The clerks of the circuit courts of the several counties shall certify the returns of the election of governor and lieutenant governor, and transmit the same to the speaker of the house of representatives, at the temporary seat of government, in such time that they may be received on the third Monday of September next. As soon as the general assembly shall be organized, the speaker of the house of representatives, and the president *pro tempore* of the senate shall, in the presence of both houses, examine the returns, and declare who are duly elected to fill those offices; and if any two or more persons shall have an equal number of votes, and a higher number than any other person, the general assembly shall determine the election in the manner herein provided; and the returns of the election for members of congress shall be made to the secretary of the state within thirty days after the day of election.

11. The oaths of office, herein directed to be taken, may be administered by any judge or justice of the peace, until the general assembly shall otherwise direct.

12. Until a seal of the state be provided, the governor may use his private seal.

DAVID BARTON, *President of the Convention.*

Attest, Wm G. Pettus, *Secretary of the Convention.*

AN ORDINANCE.

Declaring the assent of the people of the state of Missouri, by their representatives in convention assembled, to certain conditions and provisions in the act of congress on the sixth of March, one thousand eight hundred and twenty, entitled, "An act to authorize the people of Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories."

Whereas the act of congress of the United States of America, approved March the sixth, one thousand eight hundred and

enty, entitled, "An act to authorize the people of Missouri territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, and to prohibit slavery in certain territories," contains certain requisitions and provisions, and among other things, has offered to this convention, when formed, for and in behalf of the people inhabiting this state, for their free acceptance, or rejection, the five following propositions, and which, if accepted by this convention in behalf of the people as aforesaid, are to be obligatory on the United States, viz:

"1st. That section numbered sixteen, in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state, for the use of the inhabitants of such township, for the use of schools.

"2d. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said state for the use of the said state, the same to be selected by the legislature of said state, on or before the first day of January, in the year one thousand eight hundred and twenty-five: and the same when so selected, to be used under such terms, conditions, and regulations, as the legislature of said state shall direct: Provided, that no salt spring, the right whereof now is, or hereafter shall be confirmed or adjudged to any individual or individuals, shall by this section be granted to said state; and provided also, that the legislature shall never sell nor lease the same, at any one time, for a longer period than ten years, without the consent of congress.

"3d. That five per cent. of the neat proceeds of the sale of lands lying within said territory or state, and which shall be sold by congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the state, under the direction of the legislature thereof, and the other two-fifths in defraying, under the direction of congress, the expenses to be incurred in making of a road or roads, canal or canals, leading to the said state.

"4th. That four entire sections of land be, and the same are hereby granted to the said state, for the purpose of fixing their seat of government thereon; which said sections shall, under the direction of the legislature of said state, be located, as near as may be, in one body, at any time, in such townships and ranges as the legislature aforesaid, may select, on any of the public lands of the United States: Provided, that such location shall be made prior to the public sale of the lands of the United States surrounding such location.

"5th. That thirty-six sections, or one entire township, which shall be designated by the president of the United States, tog ther with the other lands heretofore reserved for that purp

shall be reserved for the use of a seminary of learning, and vest-ed in the legislature of said state, to be appropriated solely for the use of such seminary, by the legislature."

Now, this convention, for and in behalf of the people inhabiting this state, and by the authority of the said people, do accept the five before recited propositions, offered by the act of congress under which they are assembled; and, in pursuance of the conditions, requisitions, and other provisions in the before recited act of congress contained, this convention, for and in behalf of the people inhabiting this state, do ordain, agree, and declare, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the state, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the respective days of sale thereof. And that the bounty lands granted, or hereafter to be granted, for military services, during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt, as aforesaid, from taxation, for the term of three years from and after the date of the patents respectively: Provided, nevertheless, that if the congress of the United States shall consent to repeal and revoke the following clause in the fifth proposition of the sixth section of the act of congress before recited, and in these words, viz: "That every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax, laid by order, or under the authority of the state, whether for state, county, or township, or any other purpose whatever, for the term of five years, from and after the day of sale, and further"—that this convention, for and in behalf of the people of the state of Missouri, do hereby ordain, consent, and agree, that the same be so revoked and repealed, without which consent of the congress as aforesaid, the said clause to remain in full force and operation as first above provided for in this ordinance: and this convention doth hereby request the congress of the United States so to modify their third proposition, that the whole amount of five per cent. on the sale of public lands therein offered, may be applied to the construction of roads and canals, and the promotion of education within this state, under the direction of the legislature thereof. And this convention, for and in behalf of the people inhabiting this state, and by the authority of the said people, do further ordain, agree, and declare, that this ordinance shall be irrevocable, without the consent of the United States.

Done in convention, at St. Louis, in the state of Missouri, this nineteenth day of July, in the year of our Lord one thousand eight hundred and twenty, and of the Independence of the United States of America the forty-fifth.

By order of the convention:

DAVID BARTON, *President.*

WM. G. PETTUS, *Secretary.*

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